CITY OF ARMADALE

M I N U T E S

OF **DEVELOPMENT SERVICES COMMITTEE** TO BE HELD IN THE **COMMITTEE ROOM**, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON **TUESDAY, 22 JANUARY 2008** AT **5:30 PM.**

PRESENT:	Cr H A Zelones JP	Chair
	Cr J Everts	
	Cr J Knezevich	
	Cr L Reynolds AM JP	
	Cr R J Tizard	
	Cr J H Munn CMC	(Deputy for Cr MacDonald) - 5.35pm to 6.15pm
APOLOGIES:	Cr P J Hart	
	Cr L Scidone	(Deputy for Cr Hart)
	Cr C J MacDonald	
OBSERVERS:	Cr R Butterfield	(5.50pm to 6.15pm)
IN ATTENDANCE:	Mr I MacRae	Executive Director Development Services
	Mr J Erceg	Health Services Manager
	Mr M Carty	A/Building Services Manager
	Mr P Sanders	Planning Services Manager
	Mrs N Cranfield	Executive Assistant EDDS
	Public	Nil

DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was not read by the Chairman as there were no members of the public present.

DECLARATION OF MEMBER'S INTERESTS

Nil.

QUESTION TIME

Nil.

CONFIRMATION OF MINUTES

RESOLVED

Minutes of the Development Services Committee Meeting held on 11 December 2007, to be confirmed.

MOVED Cr Everts
MOTION CARRIED (6/1)

ITEMS REFERRED FROM INFORMATION BULLETIN – ISSUE No.1/2008

Nil.

DEVELOPMENT SERVICES COMMITTEE

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EVALUATION OF TENDERS RECEIVED FOR THE PROVISION OF THE CITY'S PRIVATE SWIMMING POOL INSPECTION SERVICE

WARD : ALL

DATE : 10 January 2008

REF : IM

RESPONSIBLE MANAGER : EDDS

In Brief:-

- The existing contract for the provision of private swimming pool inspections expired during 2007.
- Council at its meeting held on the 16 July 2007 resolved to call for tenders from parties interested in undertaking Private Swimming Pool Inspections under contract on behalf of the City.
- One tender was received in response to the City's advertisement.
- An evaluation of the tender has been undertaken against the selection criteria contained within the tender documents.
- Recommendation that a contract for the provision of the Private Swimming Pool Inspection Service be entered into with C E Nicholls and Son Pty Ltd.

Tabled Items

The tender received.

Officer Interest Declaration

Nil.

Strategic Implications

Social Infrastructure – Facilitate initiatives to improve the safety and security of the community

Legislation Implications

Local Government Act 1995
Local Government (Miscellaneous Provisions) Act 1960
Building Regulations 1989
Local Government (Functions and General) Regulations 1996 "Tender Regulations"

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Provision has been made in the 2007/08 budget to undertake the required inspection programme.

BACKGROUND

The provisions of Section 245 of the Local Government (Miscellaneous Provisions) Act 1960 require that each Local Government inspect all private swimming pools in their district at least once every four years.

For the past eight years the City has contracted with C. E. Nicholls and Son Pty Ltd to undertake the inspection program on its behalf. The current contract expired at the end of 2007.

At its meeting of the 16th July 2007 Council resolved via (Recommendation D71/7/07):-

1. That tenders be called for the provision of contract Swimming Pool Inspection Services as required by the Local Government (Miscellaneous Provisions) Act 1960.

2. That tenders be invited for the service on the basis of a three-year contractual arrangement.

One tender was received in response to the City's advertisement inviting tenders for this service.

The Tender was received from:

- C E Nicholls and Son

COMMENT

A detailed evaluation of the tender against the selection criteria, contained within the tender documents, is at ***Attachment "A1" of the Agenda.***

Analysis

The tender received complied in full with the City's advertised "Tender Request" and was from a service provider with significant experience in the inspection of private swimming pools – including within the Armadale district.

Pricing for the main inspection component of the contract is $31.90 for up to three initial inspections of each swimming pool inspected and an additional $31.90 for each additional inspection to meet the City's legislative obligations. The Tender price accepted in 2004 was $24.75 – the addition costs reflect general cost increases, in particular petrol costs. The City of Armadale has approximately 3700 pools which must be inspected at least once every four years.

CONCLUSION

The tenderer demonstrated a strong capacity to undertake the service on behalf of the City and has industry experience in the pool inspection field. The tenderer has provided valued service to the City for the past eight years.

- C. E. Nicholls and Son presented a very competitive tender focusing on customer service and its excellent record of service for the City in two previous contractual terms.

Scoring against the selection criteria (See appendix for detailed analysis)

Maximum Score Possible	**100**
C. E. Nicholls and Son	98

The quality of C. E. Nicholl's work for the City over the past eight years, combined with its competitive pricing, are the basis for a recommendation that this company's tender be accepted.

OPTIONS

1. Decide to enter a contract with C. E. Nicholls and Son Pty Ltd to undertake the City's pool inspection programme.
2. Decide not to enter a contract with the tenderer and advertise for additional tenders

On the basis of the evaluation of the tender received, against the advertised selection criteria, it is considered that Option 1 is the most appropriate.

D1/1/08 RECOMMEND

That Council:

Enter into a contract with C. E. Nicholls and Son Pty Ltd for a three year period to undertake private swimming pool inspections on behalf of the City of Armadale at a cost of $31.90 for up to three inspections of each property in the City with a pool, in accordance with that company's tender submission.

MOVED Cr Reynolds
MOTION CARRIED (6/0)

COUNCILLOR ATTENDANCE AT 10th WORLD CONGRESS ON ENVIRONMENTAL HEALTH

WARD : ALL

DATE : 22 January 2008

REF : JE

RESPONSIBLE MANAGER : HSM

In Brief:-

- The 10th World Congress on Environmental Health to be held in Brisbane from 11-16 May. It will be held in conjunction with the Australian Institute of Environmental Health National Conference.
- It is likely that the Health Services Manager will attend.
- Matters to be covered may be of interest to Councillors.
- It is recommended a Councillor be nominated to attend.

Committee recommended that the matter be referred to Council on 29 January 2008 for nomination.

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

To foster an effective professional environment and administration of the City's services and ensure our workplace enables staff to be innovative and confident.

Legislation Implications

Nil

Council Policy / Local Law Implications

Council Policy ADM3-Conferences and Training
Council Policy EM1-Re-imbursement of Councillor's Expenses

Budget / Financial Implications

- Conference Registration - $1300 (early bird) until 31 January or $1500 after that date.
- Accommodation – varies from $189/night to $315/night depending on hotel and room types.
- Air fares could be in the region of $600 to $1200 return (depending on availability of discount flights.

Consultation

Nil.

COMMENT

The International Federation of Environmental Health is holding the 10th World Congress on Environmental Health at the Brisbane Convention and Exhibition Centre from Sunday, 11th May to Friday, 16th May 2008. The Congress will be held in conjunction with the Australian Institute of Environmental Health National Conference.

The theme of the Congress is entitled *"Environmental Health, a Sustainable Future-20 years on…"* .

A copy of the World Congress on Environmental Health preliminary programme is at Attachment "A2" of the Agenda.

CONCLUSION

It is likely that the Health Services Manager will be attending the World Congress on Environmental Health in Brisbane.

The Congress should be informative and interesting and will deal with issues that are relevant to the City of Armadale. This item is raised for information for any Councillors who may wish to nominate to attend.

There being no nomination from members present, Committee resolved to refer the matter to the Council Meeting of 29 January 2008 for nomination.

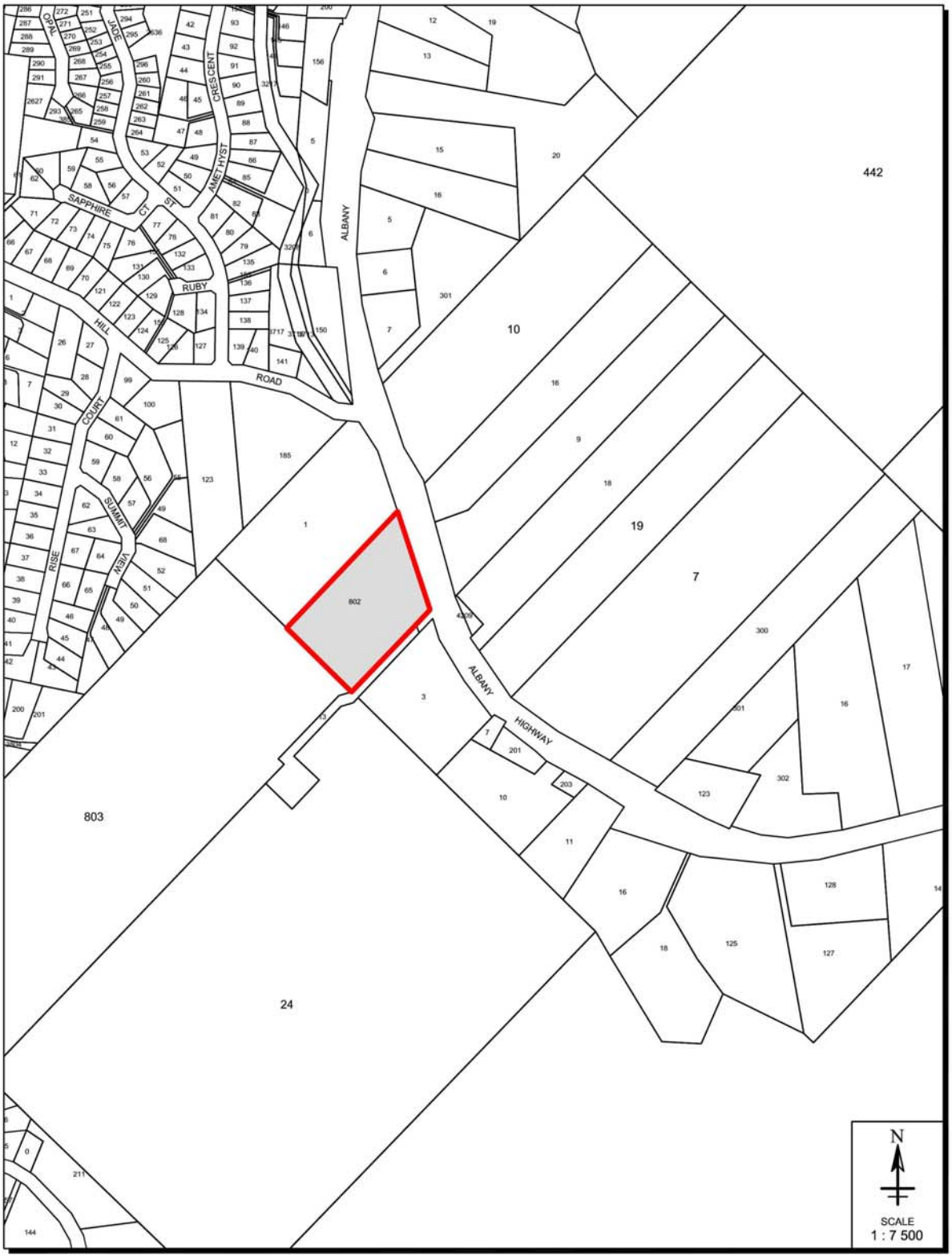
D2/1/08 RECOMMEND

That there be no nomination from the Development Services Committee members to attend the International Federation of Environmental Health World Congress.

MOVED Cr Zelones
MOTION CARRIED (6/0)

Council resolved at its Ordinary Meeting on 29 January 2008 that there be no nomination from the Development Services Committee members to attend the International Federation of Environmental Health World Congress.

Cr Munn joined the meeting at 5.35pm.



LOCATION PLAN
LOT 802 ALBANY HIGHWAY, BEDFORDALE

PROPOSED CHANGE OF USE – RURAL RESIDENTIAL TO EDUCATIONAL ESTABLISHMENT – LOT 802 ALBANY HIGHWAY, BEDFORDALE

WARD	:	NEERIGEN
APPLN NO.	:	10.2007.467.1
DATE	:	16 January 2008
REF	:	PRR
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	Hocking Planning and Architecture
LANDOWNER	:	Department for Planning and Infrastructure
SUBJECT LAND	:	Lot 802 Albany Hwy, Bedfordale Property size: 2.713ha
ZONING		
MRS	:	Rural
TPS No.4	:	Rural Living 2

In Brief:

- The City received an application for a change of use to educational establishment on 14 September 2007.
- The application was previously considered and conditionally approved by Council in June 2005.
- The application was advertised for two weeks. 14 submissions were received.
- Recommend that Council approve the application for a change of use to an educational establishment on Lot 802 Albany Highway, Bedfordale, subject to appropriate conditions.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Development – "To balance the needs of development with sustainable economic, social and environmental objectives".

Legislation Implications

Planning and Development Act 2005
Metropolitan Region Scheme
Town Planning Scheme No.4

Council Policy / Local Law Implications

PLN 5.1 – Highway Development Policy
Local Planning Strategy

AERIAL PHOTOGRAPH
LOT 802 ALBANY HIGHWAY, BEDFORDALE

Budget / Financial Implications

Cost of public consultation. Not costed.

Consultation

- Surrounding Landowners within 500m of structures on Lot 802.
- Development Control Unit.

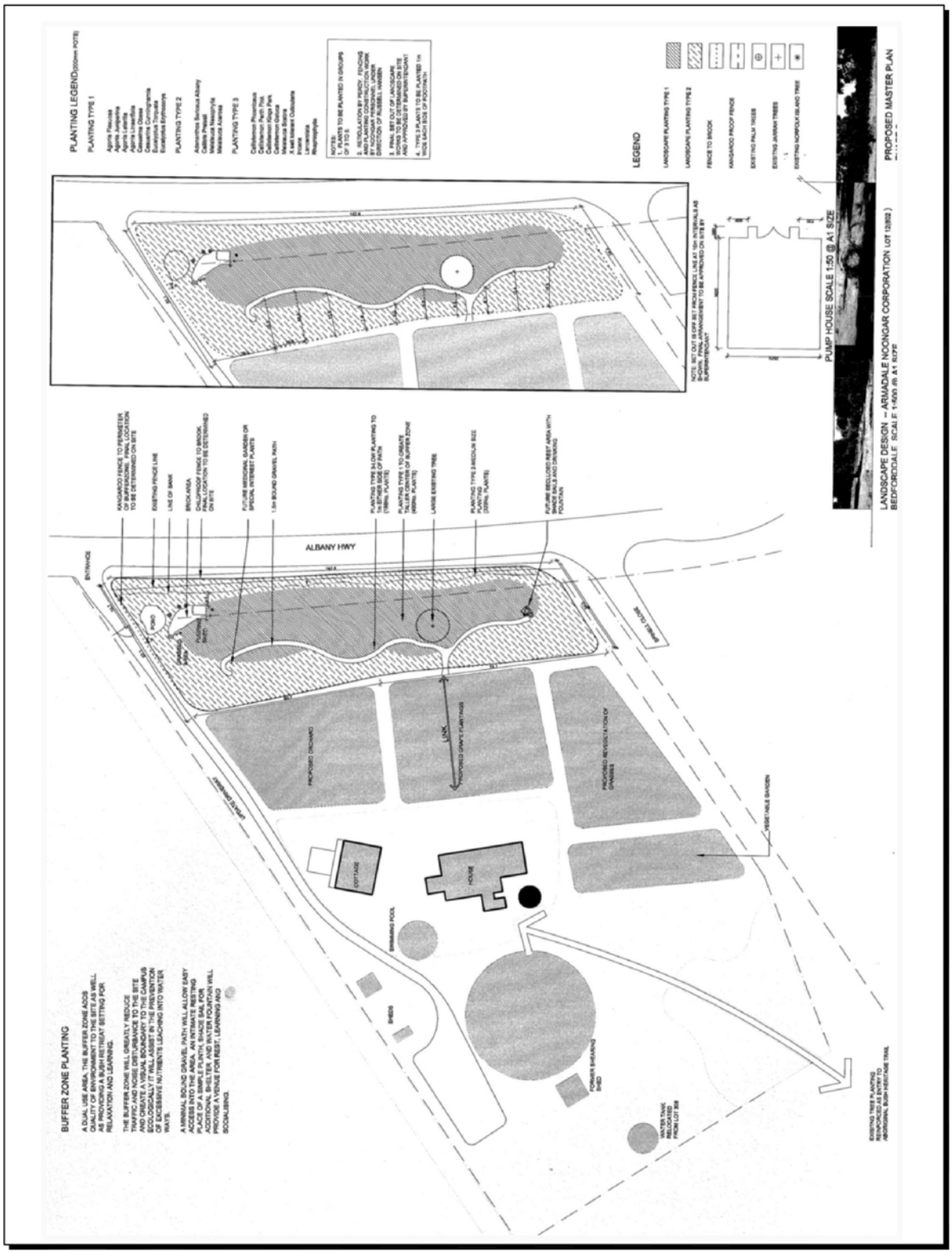
BACKGROUND

At its meeting of June 2005, Council resolved to conditionally approve an 'educational establishment' on what was then Lot 12 Albany Highway, Bedfordale (D79/6/05). The conditions imposed related to the following issues:

- Time limitation to December 2007 as a 'trial period';
- Adequate water supply;
- Adequate effluent disposal system;
- Maximum of 30 people (exception allowed for infrequent events);
- Operating hours 7am to 5pm Monday to Friday (exception allowed for infrequent events);
- No persons on site overnight apart from the site manager;
- Submission of an operational management plan;
- No rehabilitation activities on site (relating to drug / alcohol abuse);
- Submission of a landscape plan;
- Hard stand areas constructed to City's satisfaction;
- Compliance with an approved Traffic Impact Study; and,
- Vehicular access point to the satisfaction of the City and Main Roads WA.

It is noted that since planning approval was granted in 2005, the site has not operated in its 'educational establishment' capacity. It is necessary for the ANC to obtain a Building Licence to upgrade the existing structures from private residences to public buildings in accordance with the Building Code of Australia. Funding for those works has been the main barrier to the proposal starting in this regard.

The activities that have occurred on site in the intervening time have been related to general maintenance and clearing the conditions of the planning approval. This included items such as updating the effluent disposal system, sourcing a water connection for the property, fixing dilapidated irrigation, painting, clearing the yard and similar activities. It is understood that the opportunities implicit with the maintenance works have not been ignored. Whilst not operating as an educational establishment in its own right, the ANC has brought TAFE students working towards qualifications to the property to perform the maintenance work as there is some benefit for both parties involved in this regard.



SITE PLAN
LOT 802 ALBANY HIGHWAY, BEDFORDALE

DETAILS OF PROPOSAL

The proposal has not changed from that originally put forward in 2005. The subject lot is approximately 2.9 hectares in area and is situated on Albany Highway at the corner of Spinebill Close. The applicant proposes to change the use of the property from 'rural residential' to an 'educational establishment'. The existing residence and cottage on site would be used for administration and classes although it is noted that some training sessions will be held outdoors on the property.

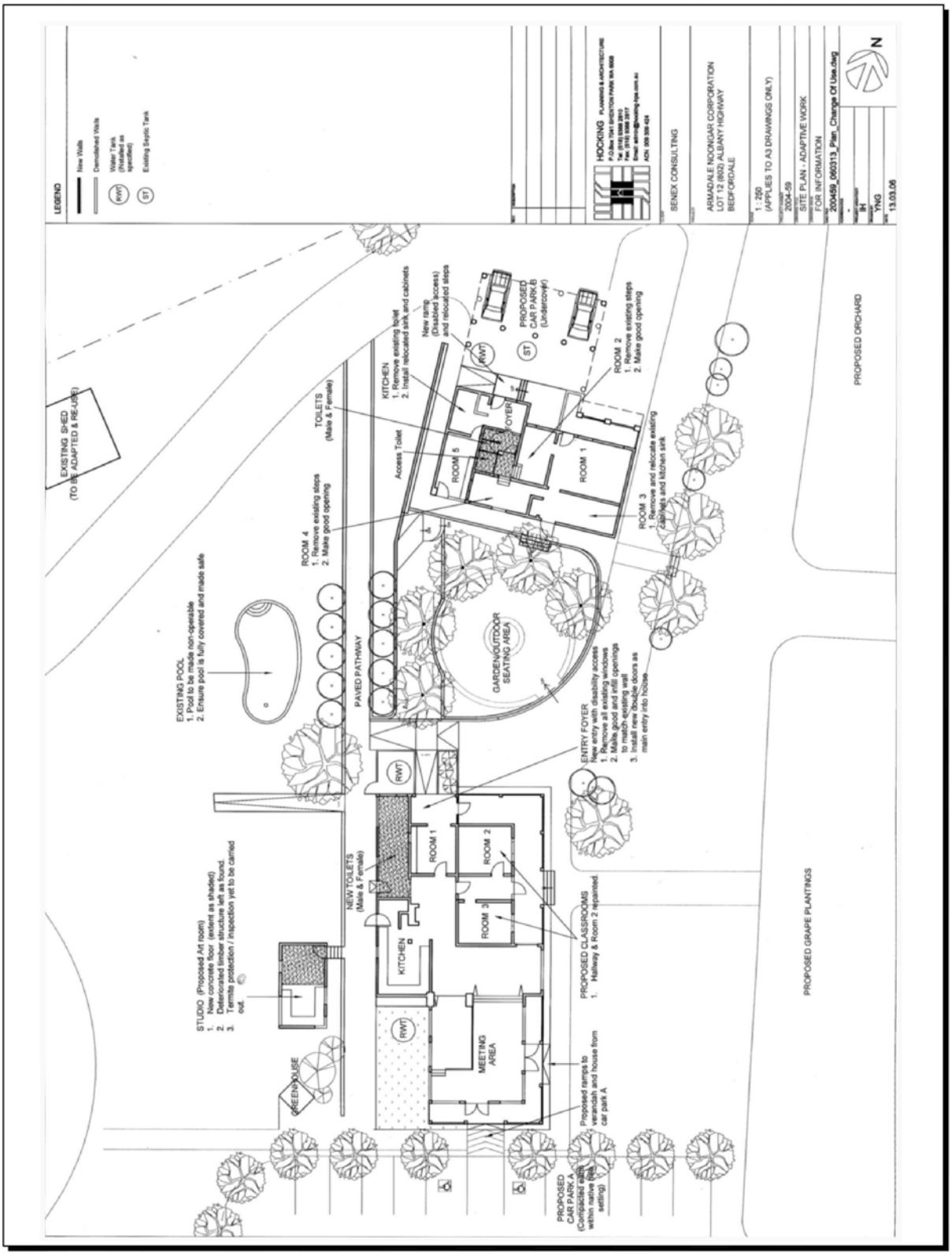
The educational establishment would be used by the ANC for a range of social and vocational skills training programs. This includes:

- Buffer planting adjacent to Albany Highway to teach recognition of native species, soil preparation and reticulation practices;
- Orchard and grape planting to teach management and care skills for seasonal industries;
- Revegetation of grasses to teach skills in land management and regeneration;
- Teaching of general property presentation;
- Marketing of individual skills by demonstration;
- Planting of vegetables to teach vegetable cultivation and nutritional skills;
- House, cottage and surrounding garden to be refurbished to teach renovation and maintenance techniques, construction skills and garden development;
- The provision of a physical skills training area, to include a youth 'circus' program;
- Possible Aboriginal bush heritage trail;
- Training to deal with / avoid child abuse;
- Training to deal with / avoid domestic violence;
- Early intervention strategies for youth;
- Fostering of responsible parenting; and,
- The shearing shed to be utilised for internal physical training.

The applicant has also indicated that it is intended to conduct some training sessions off site, after making arrangements with other local organisations and businesses, although this seems to have not progressed very far at this stage as no specific details have been provided by the applicant to date. As these sessions do not relate to the application site, they do not form part of this application.

The applicant anticipates five (5) to ten (10) people on site within the first year, with potential to increase to 30 people within three (3) years. Operating hours are proposed to be 7.00am to 5.00pm Monday to Friday. The only exception to these hours would be infrequent events such as quarterly governing committee meetings, team meetings and graduation and orientation gatherings.

The applicant has requested a permanent approval (with no time limitations) to coincide with a 15 year lease recently granted by the Western Australian Planning Commission.



FLOOR PLAN

LOT 802 ALBANY HIGHWAY, BEDFORDALE

COMMENT

Development Control Unit (DCU)

At its meeting of 8 January 2008, the DCU recommended that the proposal be approved subject to appropriate conditions, as the proposal has not been altered since being previously approved by Council in June 2005.

Surrounding Landowners

The application was advertised via a letter (which included a summary of the application and location plan) being sent to all landowners within 500 metres of the structures on Lot 802 for a period of two (2) weeks. Approximately 130-140 letters were sent in this regard. A sign was placed on site and plans were available at the front counter of Council's offices and information on Council's website.

Total No. of submissions received	:	14
No. of submissions of conditional support/no objection	:	5
No. of submissions of objection	:	9

A copy of the Schedule of Submissions is at Attachment "A3" of the Agenda.

Refer to Confidential Attachment "B1" of the Agenda for location plan of submittors A schedule of submission has also been prepared.

The main issues raised in the submissions, together with a comment on each issue are outlined in the 'Analysis' section below.

Previous Advice

When the previous application was considered comments from Main Roads Western Australia (MRWA), the Bungendore Park Management Committee (BPMC) and the Bedfordale Resident's Association (BRA) were received. As the proposal has not been altered in any way, it is presumed the comments received at that time are still relevant.

Main Roads Western Australia

Previously, MRWA referred the request for comment on to the Department for Planning and Infrastructure (DPI) / Western Australian Planning Commission (WAPC) as the road reserve has not been rationalised in this area (which is still the case). MRWA reiterated this advice via a new submission. The DPI advised that as the access points were not changing and the use was not expected to be a significant traffic generator, there was no objection to the proposal. Further, the DPI noted that the Albany Highway road reserve which encroaches onto Lot 12 would be subject to a review and subsequent amendment to the Metropolitan Region Scheme, presumably for reduction in road reserve width now that the highway has been constructed.

Bungendore Park Management Committee

The BPMC previously advised that there was no objection to the proposal as long as the objectives of the Bungendore Park Management Plan 1997–2007 were not compromised. As the application has not changed, this comment is still relevant.

Bedfordale Resident's Association

When the application was originally advertised, the BRA objected to the proposal on several grounds. The submission was supported in part with respect to the issues of amenity / character of the area, water usage, effluent disposal, vehicular access, a management plan and numbers on site. As the application has not changed, the issues are still relevant.

ANALYSIS

Public Advertising

1. Amenity

Comment

Amenity is a broad term that can encompass a range of issues and is probably the main argument to determine whether the proposal should be approved or refused. On one hand it could be argued that as no new buildings are proposed and a number of trees will be planted, that the visual amenity will be improved. On the other hand, it could be argued that the proposal will change the nature of the immediate area which is clearly rural residential and therefore may have an impact on the amenity of the area in terms of character.

Other issues that could be brought under the amenity heading include the potential impact on the surrounding environment including Bungendore Park and Neerigen Brook, the potential for noise, the issue of traffic generation – all could be seen to have bearing on the amenity of an area in one form or another.

In looking at individual issues such as noise or traffic generation in the following sections, it would seem that the majority of these issues could be dealt with via appropriate conditions of an approval and standard compliance procedures. The one issue raised by submissions with respect to amenity that stands out as a potentially detrimental issue is that of the character of the area, which is undeniably rural residential in nature.

Council must be satisfied that in approving the proposal, the orderly and proper planning of the area is not compromised and in this instance that means determining whether or not the proposed development is likely to cause significant injury to the character and amenity of the area. A number of submissions expressed the concern that this proposal would be the "thin end of the wedge" and that if approved could lead to any number of similar developments or developments of a commercial nature which could intrude into the rural residential area. This raises a question of precedent, which is dealt with in the following section.

It is believed that in this instance as the proposal is of a small scale and issues that could potentially impact upon amenity such as noise, number of patrons on site, overnight accommodation, operating hours and site management as addressed in the sections to follow can be dealt with via conditions. Managed responsibly, the proposal will not cause significant injury to the amenity of the area and is considered to be a compatible land use with rural residential properties.

Recommendation

That the issue is not supported.

2. Wildlife

Comment

Several submissions expressed concern that kangaroos had been killed near to the subject site. It is understood that the police investigated the issue and that the responsible person or persons were not identified. When dealing with a planning application, the City and the Council can only deal with matters relative to the proposed development and within the context of the subject site. Whilst the killing of wildlife is not condoned in any way, it bears no planning relevance to the proposal under consideration. The Town Planning Scheme does not enable the City to intervene in such matters and must be dealt with by the police and/ or Department for Conservation and Land Management. It should be noted that this incident did not occur on Lot 802 and the responsible party was not identified.

It is noted that the active and timely response of the Police Service along with Council in sensitively responding to some of the concerns, particularly regarding kangaroo killing on adjacent land, have addressed some of the fears initially raised within the community.

Recommendation

That the issue is not supported.

3. Anti-Social Behaviour

Comment

The public submissions expressed concern as to the background and nature of people attending the establishment in terms of risk to personal safety and security of their homes and properties. Whilst this is not a planning issue as it does not relate to the development under consideration and cannot influence Council's decision, it is seen appropriate for the applicant to provide more information as to the intended management of the site.

As part of the 2005 application, a condition was placed on the approval regarding the submission of a management plan, outlining how the site will be managed in respect of visitors to the site, activities conducted, supervision and other similar issues. The applicant did submit the plan to comply with the condition. If this new application is approved, it is recommended the management plan condition be imposed.

Recommendation

That the issue is not supported.

Town Planning Scheme No.4 (TPS No.4)

Zoning and Use Class

Lot 802 is zoned 'Rural Living 2' under TPS No.4, within which an educational establishment is an 'A' use. An 'A' use is a use that is not permitted unless Council exercises their discretion to grant planning approval after advertising in accordance with the provisions of TPS No.4.

The objectives for the 'Rural Living' zone within TPS No.4 indicate that the zone is:

"a) To provide for a variety of rural living environments based on defined lot sizes, land form and natural environmental characteristics.
b) To provide for a range of associated compatible development, consistent with the environmental opportunities and constraints applicable to individual sites.
c) To ensure development is sited, designed and managed in harmony with the natural environment and so as to protect the rural landscape and amenity".

The development is seen to be consistent primarily with the objective b) for the zone.

Use Definition

TPS No.4 defines an educational establishment as *"premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre"*. The proposal is seen to be compatible with the broad terms of "other educational centre" in the definition.

Setbacks

TPS No.4 requires development to be appropriately set back from property boundaries and from water courses. The property boundary setback requirement is 15m. As noted in the previous report to Council, one (1) of the residences and three (3) outbuildings on site are already within the 15 metre setback to the property boundary, however as they are existing the variation to the setback is appropriate.

Other setback requirements introduced with TPS No.4 include setback distances for development from water courses. The subject property has a watercourse at the north eastern end of the property (along Albany Highway) and the existing structures, sited approximately 80 metres from that watercourse easily comply with the 50 metre setback requirement. However the septic and leach drain system which, at a distance of approximately 90 metres from the watercourse, lies just within the 100 metre setback requirement for a conventional system. Again however, the system is already in place. As such, it is recommended that Council vary the setback requirement in this instance.

Car Parking

New requirements have been established with the introduction of TPS No.4 in relation to car parking. The old standards under TPS No.2 required 1.5 car parking bays per class room, whereas under the new standards one (1) space per staff member and one (1) space for every two (2) students is required. A total of six (6) bays were necessary previously, however, assuming a maximum of 30 people on site (five (5) staff, 25 students) via a condition if the application is approved, the requirement is now 18 bays. Whilst there is ample room on site to accommodate the required bays, the applicant has stated that some participants would arrive via mini-bus as outlined in the Traffic Impact Study section. Therefore a reduction in the number of parking bays may be acceptable.

Bicycle Parking

TPS No.4 also has standards relating to bicycle parking that TPS No.2 did not have. In this regard, a school is required to have one (1) bicycle space per five (5) pupils. Again, assuming a maximum of 30 people on site (five (5) staff, 25 students) via a condition if the application is approved, 5 bicycle bays are necessary. It is noted that in relation to bicycles, the term 'bays' relates to a locked area, with facilities to which the bicycle frame can be locked.

Traffic Impact Study (TIS)

The applicant has noted a TIS was previously prepared for the proposal with respect to traffic generation in general. The study was accepted by Technical Services in 2005 as adequate. The study indicates that the proposal could generate 36 vehicle movements per day and that these movements represent less than 1.5% of current daily flows. As such the report concludes that traffic generation is considered to have no significant impact.

With respect to trip generation, the study breaks down attendance as follows. For training operations, two (2) to three (3) supervisors with ten (10) attendees equates to the potential for 13 vehicles and therefore 26 vehicle movements. For social training, 1 supervisor arriving by car with ten (10) to fifteen (15) participants that would arrive by mini-bus (in two trips) would generate ten (10) vehicle movements per day. This equates to the total of 36 vehicle movements per day and could be enforced through a condition of approval requiring compliance with an approved traffic study.

In liaising with MRWA regarding the traffic study in 2005, the preferred access point for the site from Main Roads Western Australia's perspective was Spinebill Close. A condition should therefore be imposed if the application is approved requiring access to be to Main Roads Western Australia's satisfaction.

PLN 5.1 – Highway Development Policy

Council's Highway Development Policy states that if a use is not a permitted ('P') use, within a zone (an educational establishment being an 'A' use in the 'Rural Living' zone) Council may give consideration to discretionary uses if they will not detrimentally affect the primary intent of the zone and are equal or lesser traffic generators than permitted uses.

Permitted uses within the 'Rural Living' zone include a single house, a civic building and public recreation. The largest traffic generator of these uses would be a civic building, defined as *"a premises used by a government department, an instrumentality of the Crown, or the City of Armadale, for administrative, recreational or other purposes"*.

The proposal, which will generate approximately 36 vehicle movements per day compared to a civic building, essentially an office type use that could house a significant number of staff, demonstrates that the proposal quite easily complies with the traffic generation component of the Highway Development Policy. As to the intent of the zone, an educational establishment is a discretionary use within the zone and the application must therefore be considered on its merits, however as stated previously the proposal is deemed compliant with objective (b) for the `Rural Living' zone.

Local Planning Strategy (LPS)

When the application was considered previously, Council did not have a LPS. Rather, the 2005 report made reference to the draft Rural Strategy, a document that was drawn upon in creating the new LPS, which covers many issues including rural land use. The LPS was introduced alongside the TPS No.4 in November 2005.

Of most relevance to this proposal within the LPS is the Table at Appendix 2 which outlines *Land Use and Capability of Rural Planning Areas in the City of Armadale*. The subject lot lies within the Bedfordale Rural Planning Area, the Land Capability for which notes: The moderately inclined slopes have a high capability for agricultural and rural residential land uses. As the structures on site are existing, located up the slope of the property away from the creek and the proposed use can be considered at Council's discretion, the application is in accordance with the requirements of the LPS.

Time Limitation

Within its 2005 approval, Council limited the validity of the Planning Approval for 3 years. This was seen as appropriate as the lease was only for that time period and the time could be used as a trial period for the proposal. The applicant has now requested that any new approval issued by Council be unfettered by a condition limiting the validity of the approval to coincide with a 15 year lease recently granted by the Western Australian Planning Commission. However as the trial period has not taken place, it would seem appropriate for the proposal to once again have a time period imposed if approved.

OPTIONS

Option 1 – Council could approve the proposed educational establishment at Lot 802 Albany Highway, Bedfordale if it is satisfied that the proposal will not have a detrimental affect on the amenity of the area as the issues raised in the public submissions can be adequately addressed through appropriate conditions.

Option 2 – Council could refuse the proposed educational establishment at Lot 802 Albany Highway, Bedfordale and specify its planning grounds of refusal.

CONCLUSION

The proposal has not been altered since Council issued its conditional approval in June 2005 and during the most recent public advertising period no new issues have been raised that would justify changing Council's original position on the application. As outlined in the 2005 report to Council, a number of the concerns raised cannot be considered to have a basis in planning terms and those submissions that made valid points can be addressed by applying control through appropriate conditions of approval.

Whilst taking some time to establish itself, as many community based projects do, the concept still represents a new approach to education for indigenous people which could be of benefit if managed appropriately. Therefore, it is recommended that Council approve the application subject to conditions in accordance with Option 1.

D3/1/08 RECOMMEND

That Council:

1. Approve the application for an educational establishment at Lot 802 Albany Highway, Bedfordale subject to the following conditions:

a) This approval is valid for 3 years until 29 January 2011 to the satisfaction of the Executive Director Development Services.

b) An adequate water supply is to be provided for the subject site via a connection to the adjoining Water Corporation water tank main or through the provision of a (minimum) 92,000 litre water tank on site, to the satisfaction of the Executive Director Development Services.

c) An adequate effluent disposal system(s) or connection to reticulated sewer is to be provided for the site to the satisfaction of the Executive Director Development Services.

d) The maximum number of people (supervisors and attendees) on site at any one time is limited to 30 unless otherwise approved by the City in the Management Plan, to the satisfaction of the Executive Director Development Services.

e) Operating hours are limited to 7.00am to 5.00pm Monday to Friday, to the satisfaction of the Executive Director Development Services.

f) No persons are permitted to remain on site overnight, with the exception of the site manager, to the satisfaction of the Executive Director Development Services.

g) A comprehensive management plan is to be submitted, detailing the protocols for day to day operations on site, to the satisfaction of the Executive Director Development Services.

h) No rehabilitation activities are to occur on site, to the satisfaction of the Executive Director Development Services.

i) The submission of a comprehensive landscape plan for all landscaped areas (including car park shade trees) to the satisfaction of the Executive Director Technical Services. Such plan to include plant species (predominantly West Australian natives), numbers, location, container size and method of irrigation of the landscaped areas. The landscape plan is to be approved and the landscaping installed and maintained thereafter, to the satisfaction of the said officer.

j) All hard standing areas (eg. car parking areas, crossovers, driveway, vehicle manoeuvring space) are to be constructed, drained, sealed, kerbed and marked to the satisfaction of the Executive Director Technical Services.

k) Compliance with the approved Traffic Impact Study is required to the satisfaction of the Executive Director Technical Services.

l) The vehicular access point to the site is to be to the satisfaction of Main Roads Western Australia and the Executive Director Technical Services.

m) Bicycle parking bays are to be provided in accordance with Schedule 11B of Town Planning Scheme No.4 to the satisfaction of the Executive Director Development Services.

2. That the applicant be advised, in addition to the standard advice notes with respect to development applications, that:

a) With regard to Condition 1(b), "adequate water supply" is deemed to be that fit for human consumption after being bacteriologically and chemically analysed. In relation to the use of water from Neerigen Brook, the applicant is advised that compliance with the Rights in Water and Irrigation Act 1914 is required.

b) With regard to Condition 1(d), visitors in excess of the maximum of 30 people (for infrequent events) should be controlled through the provisions of the management plan referred to in Condition 1(g).

c) With regard to Condition 1(e), infrequent events such as appropriately managed quarterly governing committee meetings, team meetings and graduation and orientation gatherings are considered to fall outside the operating hours limitation.

d) With regard to Condition 1(g), the management plan should comprehensively reflect all management protocols on site. This includes how the conditions of approval will be dealt with (such as maintaining a maximum of 30 people on site and enforcing operating hours), as well as addressing administrative issues (such as managing visitors and appropriate behaviour on site) and training issues (such as work practices associated with the rural uses proposed – i.e. orchard spraying, fertilising etc).

e) With regard to Condition 1(a), a new application is to be made for the proposal upon expiration of the three (3) year period, if it is intended that operations will continue on site after that date.

f) With regard to Condition 1(h) 'rehabilitation' means any activities associated with restoring a person's health after drug or alcohol abuse.

g) With regard to Condition 1(i) please refer to the landscaping handout from Council's Parks Department.

h) With regard to Conditions 1(i) and 1(j), it is expected the required plans and details will be submitted prior to the issue of a Building Licence.

i) Compliance with the Health (Food Hygiene) Regulations 1993, the Health (Public Buildings) Regulations 1992 and the Environmental Protection (Noise) Regulations 1997 is required.

j) With regard to the proposed bush trail, the applicants are advised to consult with the Department for Planning and Infrastructure in respect of ownership of Lots 803 and 24 immediately behind Lot 802 and the Bungendore Park Management Committee in respect of the objectives of the Bungendore Park Management Plan 1997–2007.

MOVED Cr Tizard
MOTION CARRIED (7/0)

PEDSHED PLAN

PAW BETWEEN LOTS 157, 158 AND159 MCKEOWN COURT AND RESERVE 34703, ARMADALE

PEDESTRIAN ACCESS WAY (PAW) BETWEEN LOTS 158 (No.9), 159 (No.7) AND 157 (No.15) MCKEOWN COURT, ARMADALE

WARD	:	MINNAWARRA	**In Brief:-** ▪ Request received to close above PAW due to anti-social behaviour. ▪ The PAW closure has been advertised in the 'Comment News' and to the surrounding landowners and Government agencies for comment. ▪ Recommend that Council resolve to request the Department for Planning and Infrastructure – Land Asset Management Services to proceed with the closure of the PAW, subject to several conditions including the PAW land being amalgamated with the adjoining property.
FILE REF	:	WAY/3/07	
DATE	:	4 January 2008	
REF	:	PMS	
RESPONSIBLE MANAGER	:	PSM	
APPLICANT	:	M & N TRACY	
LAND OWNER	:	Crown	
SUBJECT LAND	:	Pedestrian access way (PAW) between Lots 158, 159 & 157 McKeown Court Armadale	
ZONING MRS TPS No.4	: :	Urban Unzoned	

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Building our Community – "Improve the overall well-being and safety of the community."

Legislation Implications

Land Administration Act 1997.

Council Policy / Local Law Implications

Technical Services – Policy No.ENG 7 –Public Access Ways - Management.

Budget / Financial Implications

Nil.

AERIAL PHOTOGRAPH
PAW BETWEEN LOTS 157, 158 AND159 MCKEOWN COURT AND
RESERVE 34703, ARMADALE

Consultation

- Technical Service Directorate.
- Government Agencies.
- Surrounding Landowners.
- Newspaper Advertising and signs on site.
- Department for Planning and Infrastructure.

DETAILS OF PROPOSAL

The landowner of Lot 158 McKeown Court, Armadale has submitted a request to have the PAW closed on the following grounds:

- Riding of motorbikes in PAW;
- Rocks being thrown into adjoining properties from PAW;
- Bottles being broken in the PAW; and
- Anti-social behaviour.

The PAW is approximately 3 metres wide and 34 metres long and connects McKeown Court to Reserve 34703 (Public Recreation). The fencing along the PAW consists of Super 6 sheeting of varying conditions. There are no bollards or street lighting at either end of the PAW.

COMMENT

The proposal was advertised in the 'Comment News' and to the surrounding landowners/occupiers and the Government Service Agencies for comment. The advertising period was from 11 April 2007 to 18 May 2007.

Results of Advertising

No. of Landowners/Occupiers Notified:	24
No. of Government Agencies:	4
No. of Submissions Received:	9
No. of Submissions of Objection to the PAW Closure:	1
Private Submissions:	1
Government Agency Submissions:	0
No. of Submissions of Support/No Objection to PAW Closure:	8
Private Submissions:	4
Government Agency Submissions:	4

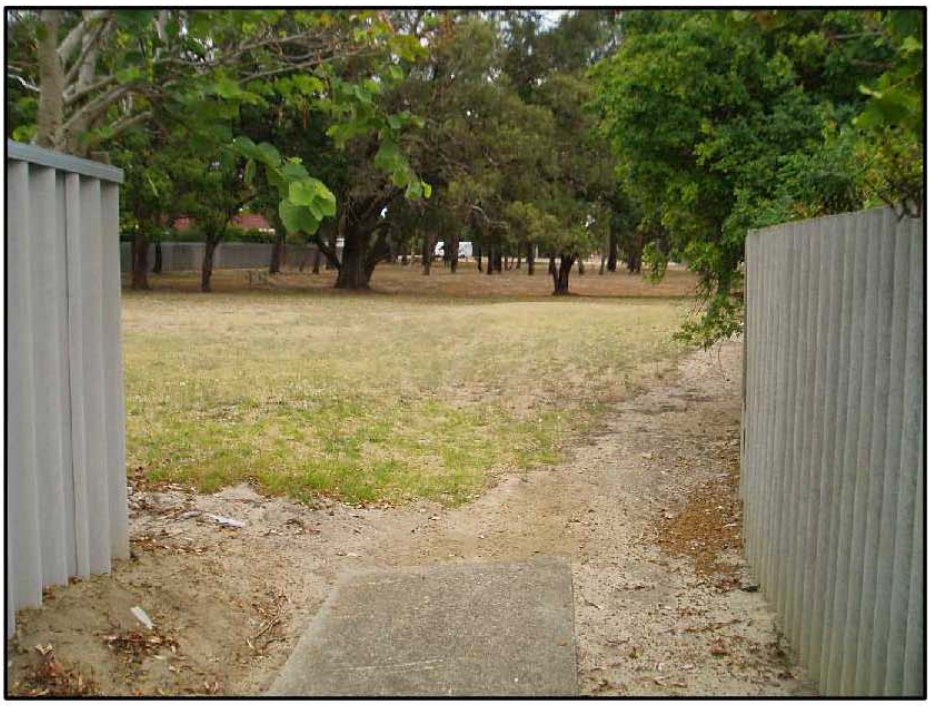
Refer to the Confidential Attachment "B2" of the Agenda for a Location Plan of respondents.

The Water Corporation, Alinta Gas, Telstra, Western Power have no objections to the proposed closure.

Technical Services Directorate has no objection.

PHOTOGRAPH 1
PAW BETWEEN McKEOWN COURT AND RESERVE 34703, ARMADALE
VIEW FROM McKEOWN COURT LOOKING TOWARDS RESERVE 34703

PHOTOGRAPH 2
PAW BETWEEN McKEOWN COURT AND RESERVE 34703, ARMADALE
VIEW FROM RESERVE 34703 LOOKING TOWARDS McKEOWN COURT



PHOTOGRAPH 3
PAW BETWEEN McKEOWN COURT AND RESERVE 34703, ARMADALE
VIEW FROM PAW LOOKING SOUTH TOWARDS ARMADALE ROAD

PHOTOGRAPH 4
PAW BETWEEN McKEOWN COURT AND RESERVE 34703, ARMADALE
VIEW OF DRAIN LOOKING TOWARDS PAW ACROSS RESERVE 34703

PHOTOGRAPH 5
PAW BETWEEN McKEOWN COURT AND RESERVE 34703, ARMADALE
DRAIN IN RESERVE 34703

PHOTOGRAPH 6
PAW BETWEEN McKEOWN COURT AND RESERVE 34703, ARMADALE
VIEW OF PAW FROM ACROSS RESERVE 34703 AND DRAIN

The Department for Planning and Infrastructure **(DPI)**. In-accordance with the West Australian Planning Commission's (WAPC) Planning Bulletin No.57: Closure of PAW-Planning considerations and the *Land Administration Act 1997*, the City prepared a PAW Closure report and referred the report to DPI in 14 September 2007.

In-accordance with the WAPC's Planning Bulletin No.57, the City is not able to progress the closure of a PAW without a response from DPI, which has significantly delayed the City's processing of a number of PAW closure requests over the last few years. Over the last 12 -18 months, officers of the City have been assisting and liaising with DPI officers more closely to ensure that more prompt responses to the City's referral of PAW closure reports are received.

WAPC's Planning Bulletin No.57 (Closure of PAWs) - Part 2.3 specifies that *"DPI will endeavour to provide comment within 60 days of the receipt of the LG Closure report"*.

DPI's response has not yet been received and due to the significant delay in the response (over 3 months), the City should proceed with the PAW closure process to address the concerns of the residents.

ANALYSIS

Local Connectivity

The PAW only links the cul-de-sac end of McKeown Court with Reserve 34703 and is not a strategic or important pedestrian link. Reserve 34703 is not reticulated, has no playground equipment and would not be a reserve that people would use for any significant recreational purposes. The POS area is dissected by a significant Water Corporation drain.

Quality of Alternative Routes

The alternative access route is via the street system of McKeown Court and Kootingal Street.

Police Statistics of Reported Crime

The Police crime statistics demonstrate that significant anti-social behaviour is occurring in the vicinity of the PAW, however the City is not able to determine if the PAW is contributing towards this issue.

Summary of Support for PAW Closure

The supporters of the PAW closure feel that the closure will alleviate the problems currently being experienced by the local community for the grounds specified earlier in this report.

Summary of Objections to PAW Closure

The objector stated that they use the PAW daily and has never seen or heard of any anti-social behaviour.

At its August 2007 meeting Council resolved (D94/8/07**)** to request the Department for Planning and Infrastructure- Land Asset Management Services to close the nearby PAW between Lots 141 & 142 May Close and Lots 149 & 150 McKeown Court, Armadale, with the land being amalgamated with the adjoining lot or lots.

OPTIONS

1. Council could request DPI to close the PAW based on the submissions of support received during the advertising period, anti-social behaviour and that alternative routes are available.

2. Council could defer consideration of the PAW pending advice from the DPI (Planning).

3. Council could resolve to not close the PAW on the grounds that it is preferable to maintain the connection for the reasons outlined in this report.

CONCLUSION

It is recommended that Council should adopt Option 1 on the grounds that:

- The abutting landowners support the closure and there are no significant constraints to its closure;
- There is evidence of anti-social behaviour occurring in and near the PAW;
- Few residents would use the PAW as it only links part of McKeown Court cul-de-sac with Reserve 34703; and
- The street network provides an appropriate pedestrian system.

D4/1/08 RECOMMEND

That Council:

1. **Request the Department for Planning and Infrastructure – Land Asset Management Services to close the pedestrian access way (PAW) between Lots 158, 157 and 159 McKeown Court Armadale, subject to the land being amalgamated with the adjoining lot or lots.**

2. **Advise the Department for Planning and Infrastructure, submittors and the applicant of Council's decision.**

MOVED Cr Munn
MOTION CARRIED (7/0)

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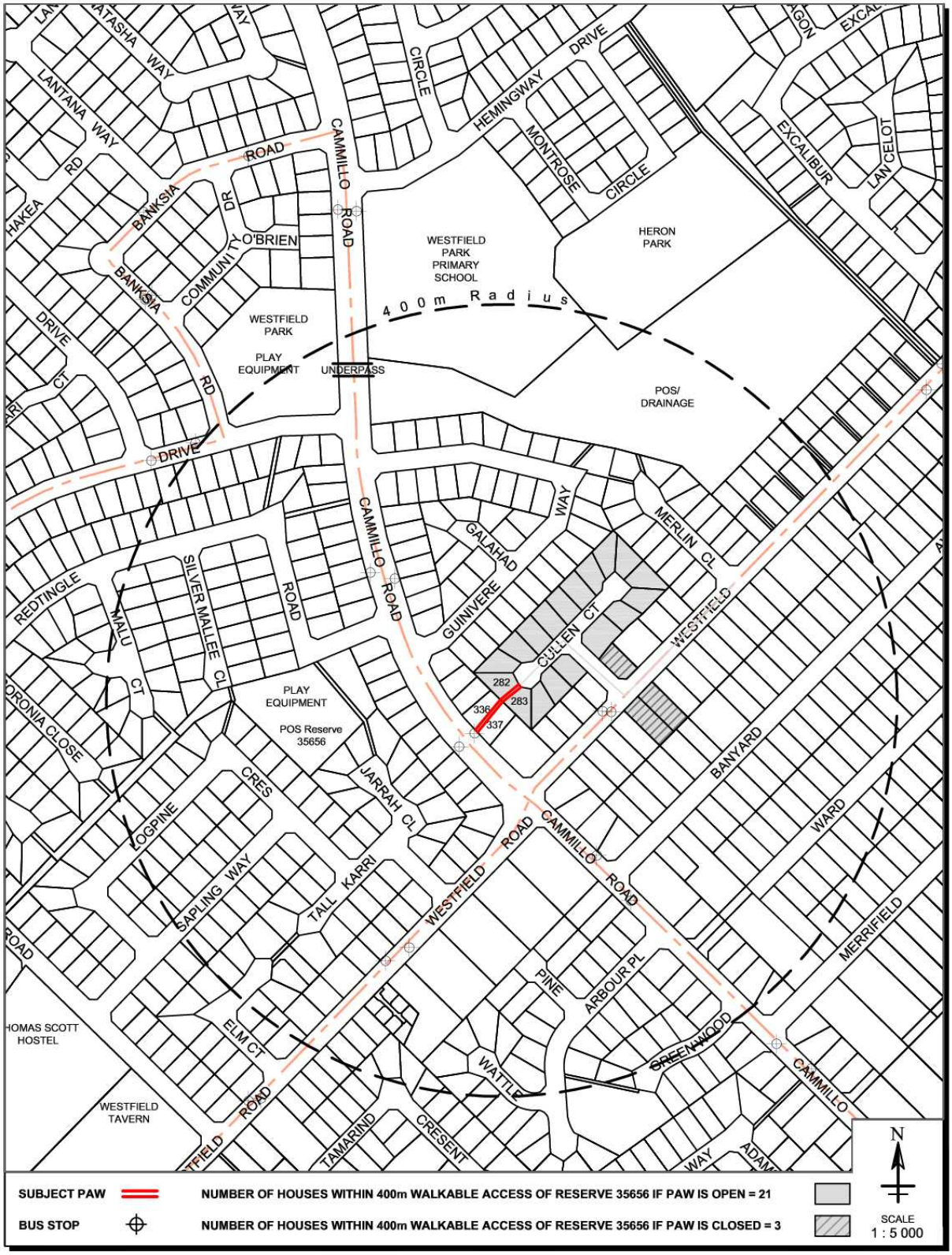


PEDSHED PLAN

PAW BETWEEN LOTS 282 & 283 CULLEN COURT
& BETWEEN LOTS 336 & 337 CAMMILLO ROAD, WESTFIELD

PEDESTRIAN ACCESS WAY (PAW) BETWEEN LOTS 282 (No.31) & 283 (No.33) CULLEN COURT AND LOTS 336 (No.136) & 337 (No.138) CAMMILLO ROAD WESTFIELD

WARD	:	HERON
FILE REF	:	WAY/02/07
DATE	:	8 January 2008
REF	:	PMS
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	I SAVINA
LAND OWNER	:	Crown
SUBJECT LAND	:	Pedestrian Access Way (PAW) between Lots 282 & 283 Cullen Court and Lots 336 & 337 Cammillo Road, Westfield
ZONING MRS	:	Urban
TPS No.4	:	Unzoned

In Brief:-

- Request received to close above PAW due to anti-social behaviour.
- The PAW closure has been advertised in the 'Comment News' and to the surrounding landowners and Government agencies for comment.
- Recommend that Council request the Department for Planning and Infrastructure – Land Asset Management Services to proceed with the closure of the PAW, subject to several conditions including the PAW land being amalgamated with the adjoining property.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Building our Community – "Improve the overall well-being and safety of the community."

Legislation Implications

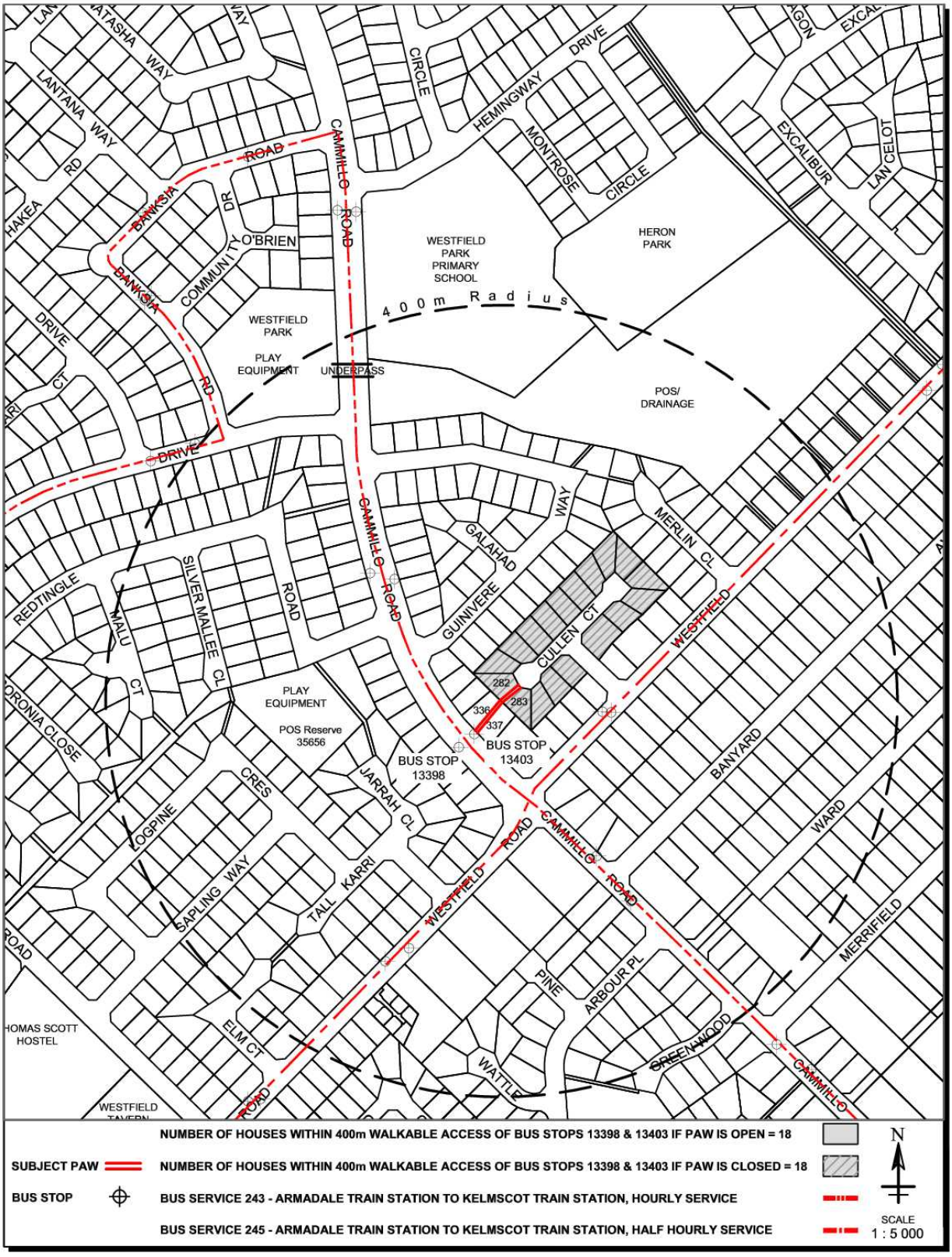
Land Administration Act 1997.

Council Policy / Local Law Implications

Technical Services – Policy No.ENG 7 – Public Access Ways - Management.

Budget / Financial Implications

Nil.



PEDSHED PLAN FOR BUS ROUTES

PAW BETWEEN LOTS 282 & 283 CULLEN COURT
& BETWEEN LOTS 336 & 337 CAMMILLO ROAD, WESTFIELD

Consultation

- Technical Service Directorate.
- Government Agencies.
- Surrounding Landowners.
- Newspaper Advertising and signs-on site.
- Department for Planning and Infrastructure (DPI).

DETAILS OF PROPOSAL

The landowner of Lot 283 (No.33) Cullen Court has submitted a request to have the PAW closed on the following grounds:

- Anti-social Behaviour;
- Incidents of trespassing on properties abutting the PAW;
- Vandalism; and
- Used syringes found in PAW.

The PAW is approximately 63 metres long and about 3 metres wide. The PAW connects Cullen Court and Cammillo Road. The fencing along the PAW consists of Super 6 sheeting of varying conditions. The PAW contains a bend, which may contribute towards anti-social behaviour and impact on pedestrian safety. There are bollards at both ends of the PAW, however the PAW contains no lighting. There are no overhanging branches from the abutting properties and very little vegetation is found in the PAW.

COMMENT

The proposal was advertised in the 'Comment News' and to the surrounding landowners/occupiers, the Government Service Agencies for comment. The advertising period was from 8 February 2007 to 19 March 2007. Signs were erected at both ends of the PAW for 35 days. The proposal was also available on the City's website.

No. of Landowners/Occupiers Notified:	38
No. of Government Agencies:	4
No. of Submissions Received:	7
No. of Submissions of Objection to the PAW Closure:	1
Private Submissions:	0
Government Agency Submissions:	1
No. of Submissions of Support/No Objection to PAW Closure:	10
Private Submissions:	7
Government Agency Submissions:	3

Refer to the Confidential Attachment "B3" of the Agenda for a Location Plan of respondents.

AERIAL PHOTOGRAPH

PAW BETWEEN LOTS 282 & 283 CULLEN COURT
& BETWEEN LOTS 336 & 337 CAMMILLO ROAD, WESTFIELD

The Water Corporation has objected to the closure on the grounds that an existing water main located within the closure is affected. Investigation has revealed that the main can be cut, capped and the reticulation system modified at a cost of $4213.00, inclusive of GST. This fee is valid until 14 January 2008 and is subject to review if not paid within this period. If this condition is met, the Water Corporation will withdraw its objection to the closure. The applicants/purchasers would need to meet this cost (or any new estimate), which is a standard requirement.

Alinta Gas, Western Power and Telstra have no objection to the proposed closure.

Technical Services Directorate has no objection to the closure.

The Department for Planning and Infrastructure **(DPI - Planning)** has not provided a response to the proposed closure. In-accordance with the West Australian Planning Commission's (WAPC) Planning Bulletin No.57: Closure of PAWs, the City prepared a PAW Closure report and referred the report to DPI in April 2007.

In accordance with the WAPC's Planning Bulletin No.57, the City is not able to progress the closure of a PAW without a positive response from DPI (Planning), which has significantly delayed the City's processing of a number of PAW closure requests. Over the last 12 -18 months, officers of the City have been assisting and liaising with DPI officers more closely to ensure that more prompt responses to the City's referral of PAW closure reports are received.

WAPC's Planning Bulletin No.57 (Closure of PAWs) - Part 2.3 specifies that *"DPI will endeavour to provide comment within 60 days of the receipt of the LG Closure report"*.

DPI's response has yet to be received and due to the significant delay in the response (over 8 months), the City should proceed with the PAW closure process to address the concerns of the residents.

ANALYSIS

Local Connectivity

The PAW only links Cullen Court and Cammillo Road and is not a strategic or important pedestrian link.

A bus stop is located at the Cammillo Road end of the PAW. There are 2 bus routes servicing the area around the PAW between the Kelmscott Train Station and the Armadale Train Station. Bus Service 243 is an hourly bus servicing the suburbs and running between the Armadale Train Station and the Kelmscott Train Station. Bus service 245 is a half hourly service between the Armadale Train Station and the Kelmscott Train Station.

The number of houses within a 400m walkable access of the Bus Stop at the end of the PAW if the PAW is open is 18. There will be no change to the number of houses within 400m walkable access of the Bus Stop at the end of the PAW if the PAW is closed. However, the closure of the PAW would result in the residents of Cullen Court having to walk further to public open space reserve 35656.

PHOTOGRAPH 1

PAW BETWEEN LOTS 282 & 283 CULLEN COURT AND BETWEEN LOTS 336 & 337 CAMMILLO ROAD, WESTFIELD - VIEW FROM CAMMILLO ROAD LOOKING TOWARDS CULLEN COURT

PHOTOGRAPH 2

PAW BETWEEN LOTS 282 & 283 CULLEN COURT AND BETWEEN LOTS 336 & 337 CAMMILLO ROAD, WESTFIELD - VIEW FROM CULLEN COURT LOOKING TOWARDS CAMMILLO ROAD

Quality of Alternative Routes

The alternative route is the street system. The street system provides an appropriate pedestrian system. Few residents would use the PAW, as it only links Cullen Court and Cammillo Road and does not provide any significant links. There is a footpath along Westfield Road and Cammillo Road.

Police Statistics of Reported Crime

The Police crime statistics demonstrate that significant anti-social behaviour is occurring in the vicinity of the PAW. However, the City is not able to determine if the PAW has contributed to any of the crime.

Resume of Support for PAW Closure

The supporters of the PAW closure feel that the closure will alleviate the problems currently being experienced by the local community for the grounds specified earlier in this report.

Westfield Study

In July 2007, the City and DPI (Planning) appointed consultants to investigate a range of design options for a portion of Westfield. Whilst the subject PAW is not included within the Core Study Area, the draft Study recommended that this PAW and many other PAWs be upgraded. The draft Study is still being prepared and will be amended prior to further consideration by City officers and the preparation of a report for Council's consideration.

There are over 170 PAWs in the City and the cost of upgrading a PAW is very significant, therefore the City must give careful consideration as to which PAWs should be upgraded. The subject PAW is not an important link and there are alternative routes. Any funds available for the upgrading of PAWs could be more appropriately spent on PAWs of more strategic significance. This PAW should be closed for the reasons included in this report.

PAW Closure Process

The DPI – Land Asset Management Services (LAMS) will not usually allow a PAW to be closed without the support of DPI - Planning. DPI - Planning have not provided a response, despite several requests. The Council should determine its position on the PAW to address the concerns of the residents. DPI should be advised of Council's decision.

PHOTOGRAPH 3

PAW BETWEEN LOTS 282 & 283 CULLEN COURT AND BETWEEN LOTS 336 & 337 CAMMILLO ROAD, WESTFIELD - VIEW FROM CULLEN COURT LOOKING TOWARDS CAMMILLO ROAD

OPTIONS

1. Council could request DPI to close the PAW based on the submissions of support received during the advertising period, no submissions of objection were received during the advertising period, anti-social behaviour and that alternative routes are available.
2. Council could defer consideration of the PAW pending advice from the DPI (Planning) and/or the Westfield Study.
3. Council could resolve to not close the PAW on the grounds that it is preferable to maintain the pedestrian link.

CONCLUSION

It is recommended that Council should adopt Option 1 on the grounds that:

- The abutting landowners support the closure and there are no significant constraints to its closure;
- There is evidence of significant antisocial behaviour occurring in and near the PAW;
- Few residents are likely to use the PAW as it only links the Cullen Court cul-de-sac with Cammillo Road; and
- The street network provides an appropriate pedestrian system.

D5/1/08 RECOMMEND

That Council:

1. Request the Department for Planning and Infrastructure – Land Asset Management Services to close the Pedestrian Access Way (PAW) between Lots 282 & 283 Cullen Court and Lots 336 & 337 Cammillo Road, Westfield, with the land being amalgamated with the adjoining lot or lots.

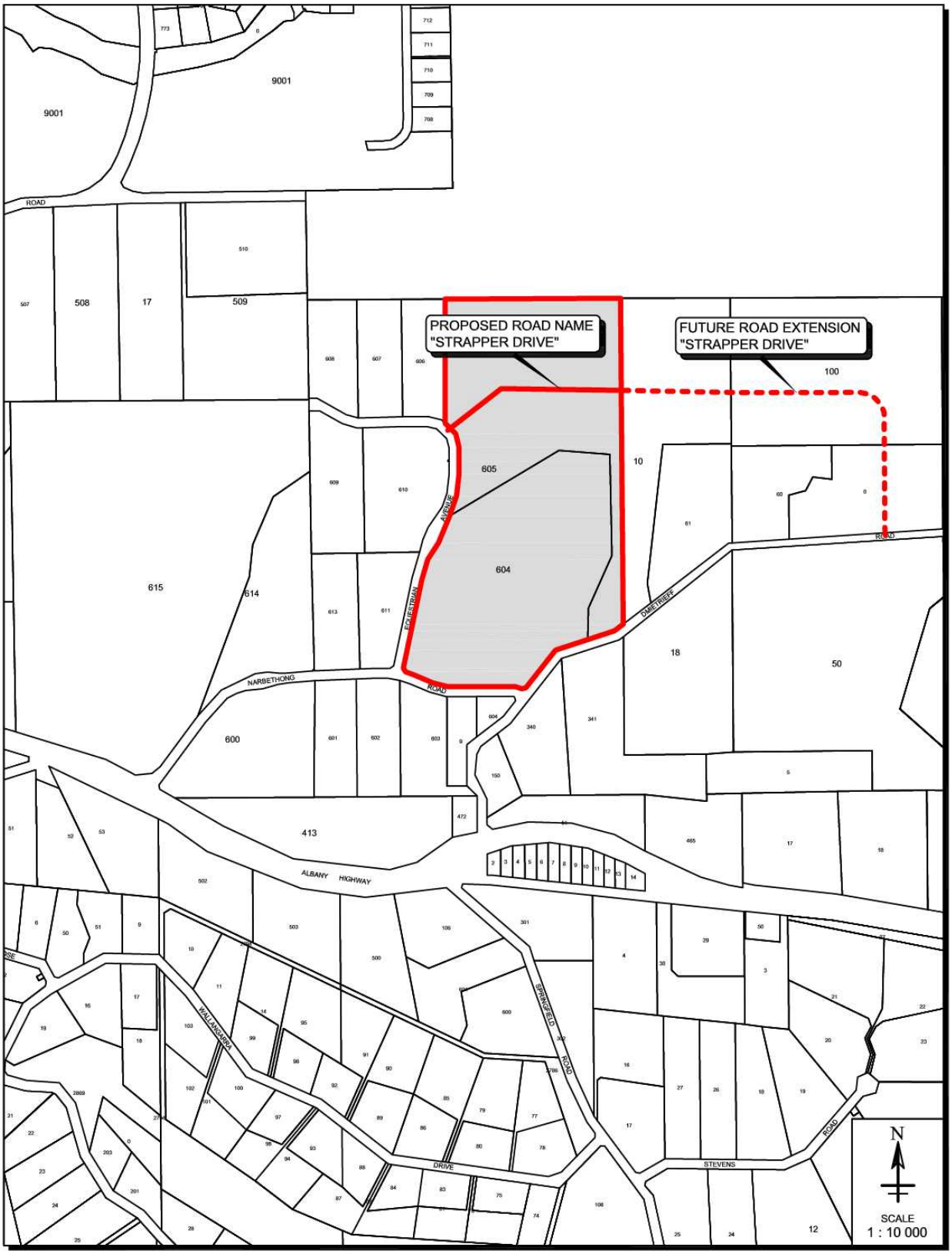
2. Advise the landowners of Lots 282 & 283 Cullen Court and Lots 336 & 337 Cammillo Road, Westfield that the closure is subject to:

a) The landowners meeting the cost of the State Government Agencies for their services being cut, capped and/or relocated, as required by the Department for Planning and Infrastructure; and

b) The land being amalgamated with the adjoining lot or lots.

3. Advise the Department for Planning and Infrastructure, respondents, applicant and submittors of Council's decision.

MOVED Cr Reynolds
MOTION CARRIED (7/0)



LOCATION PLAN AND PROPOSED ROAD NAME
LOT 405 AND 406 DMIETRIEFF ROAD, BEDFORDALE

ROAD NAMING – LOTS 604 & 605 DMIETRIEFF ROAD, BEDFORDALE

WARD	:	NEERIGEN
DATE	:	14 January 2008
REF	:	SEN
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	Doric
LAND OWNER	:	Cetacean Petroleum P/L
SUBJECT LAND	:	Property size 27.6ha approx.
ZONING		
MRS	:	Rural
TPS No.4	:	Rural Living 2

In Brief:-

- Council has received a proposal to name a new road reserve within the subdivision of Lots 604 & 605 Dmietrieff Road, Bedfordale.
- The proposed road name has an equine theme to acknowledge the historic significance of the land being developed and complies with the Geographic Names Committee (GNC) criteria.
- Recommend that Council approach the Geographic Names Committee seeking approval for the following new road name, "Strapper Road" on Lots 604 & 605 Dmietrieff Road, Bedfordale.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Relates to the aim for developing our City to:

- Sustain and maintain the distinctive character of the City; and
- Maintain Armadale as a special place.

Legislation Implications

Land Administration Act 1997.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil.

Consultation

- Geographic Names Committee.

DETAILS OF PROPOSAL

Council has received a proposal for the naming of a road reserve for a new street which is being created by a subdivision proposed for Lots 604 & 605 Dmietrieff Road, Bedfordale (SUB/127297).

The proposal submitted several road names for consideration, however some of these names may not be suitable.

- Strapper or Jockey Road/Drive – Identifies with the equine land use of the land to be developed.

- Rocketracer Road/Drive - Rocket Racer being the name of a horse that trained on the land and won the Perth Cup. However there may be some negative association pertaining to the win that may not comply with GNC naming criteria or be appropriate.

- Neerigen Road/Drive - Neerigen Brook runs through the property, however this name will not comply with GNC naming criteria.

- Shedrow Road/Drive - referring to the row of sheds and structures still found on the property, however Shedrow is not a recognised English word.

- Cheerful Road/Drive - Narbethong is derived from the indigenous word meaning a cheerful place. This name could be suitable.

- Runneymede Road/Drive - Originally Narbethong estate formed part of Runneymede Orchard. This name could be suitable, however the City may wish to use this name closer to the main area of the original orchard.

The road name "Strapper Road" is most suitable as it follows an equine theme currently utilised within the area which has been derived from the historic use of the land and the land contains an accommodation block that housed jockeys and strappers that used to work on the property. The road reserve connects to Equestrian Avenue.

COMMENT

Informal consultation with officers of the Geographic Names Committee (GNC) suggests that the name 'Strapper Road' will meet the GNC criteria for road naming. The road name is duplicated less than 5 times in the metropolitan area and is more than 10 kilometres from existing duplications.

OPTIONS

1. Approve the road name 'Strapper Road' as submitted.

2. Not approve any of the road names and request the developer to provide an alternative road name complying with GNC criteria.

3. Not approve any of the road names and that Council recommend a new road name to GNC and the developer.

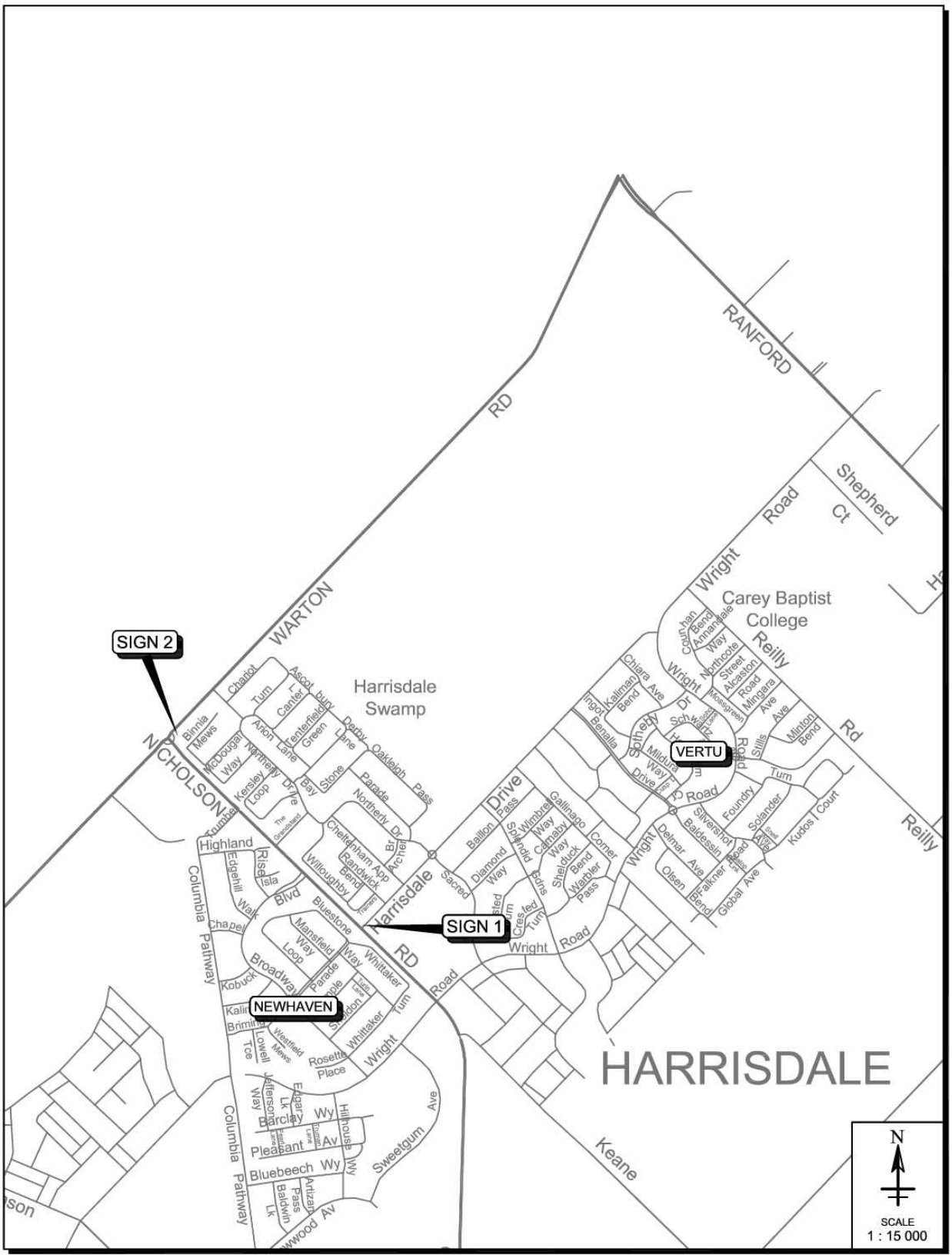
CONCLUSION

The road name, 'Strapper Road' chosen by the developer, should meet GNC criteria and appears to be an appropriate proposal for Council to approve. Option 1 is recommended.

D6/1/08 RECOMMEND

That Council approach the Geographic Names Committee (GNC) seeking approval for the new road name, "Strapper Road" (or suitable road types acceptable to the GNC) for the subdivision of Lots 604 & 605 Dmietrieff Road, Bedfordale as shown on the attached plan and any extension of this road reserve.

MOVED Cr Tizard
MOTION CARRIED (7/0)



LOCATION PLAN
PROPOSED ILLUMINATED SIGN LOCATION

PROPOSED ILLUMINATED DIRECTION SIGNS – INTERSECTION OF WARTON ROAD/NICHOLSON ROAD AND HARRISDALE DRIVE/NICHOLSON ROAD, HARRISDALE

WARD	:	LAKE
FILE REF	:	11.2007.18.1
DATE	:	8 January 2008
REF	:	KLD
RESPONSIBLE MANAGER	:	PSM
APPLICANT	:	Churchill Consultancy for Adshel Street Furniture P/L
SUBJECT LAND	:	Road Verge Warton Road/Nicholson Road, Harrisdale Harrisdale Drive/Nicholson Road, Harrisdale
ZONING		
MRS	:	Urban; MRS Reserve Other Regional Road
TPS No.4	:	Urban Development Zone, Other Regional Road

In Brief:-

- Application received for Illuminated Directional Signs to be erected at the intersection of Warton Road/ Nicholson Road and Harrisdale Drive/Nicholson Road, Harrisdale.
- Recommend that the application be approved, subject to appropriate conditions.

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

Developing our City – to sustain and maintain the distinctive character of the City.

Legislation Implications

Planning and Development Act 2005

Council Policy / Local Law Implications

Signs Local Law 2007
Signage Policy

Budget / Financial Implications

Annual Rental income of $330 plus GST per sign (total $363)

Consultation

- Technical Services Directorate
- Main Roads WA

BACKGROUND

At its meeting of June 1994, Council resolved to adopt a format for commercial / tourism advertising signs and criteria for the establishment of such signs. The criteria for establishing commercial / tourism advertising signage are:-

- Only to be located subject to Council approval on Council controlled roadways, reserves etc. Design and specifications to meet Australian standard requirements and Council's Engineering requirements.

- Signage should be a comprehensive generic description of a Centre and avoid promotion of individual businesses and brand names.

- The incidence of such signage to be very selective and limited to strategic locations otherwise avoiding clutter and confusion.

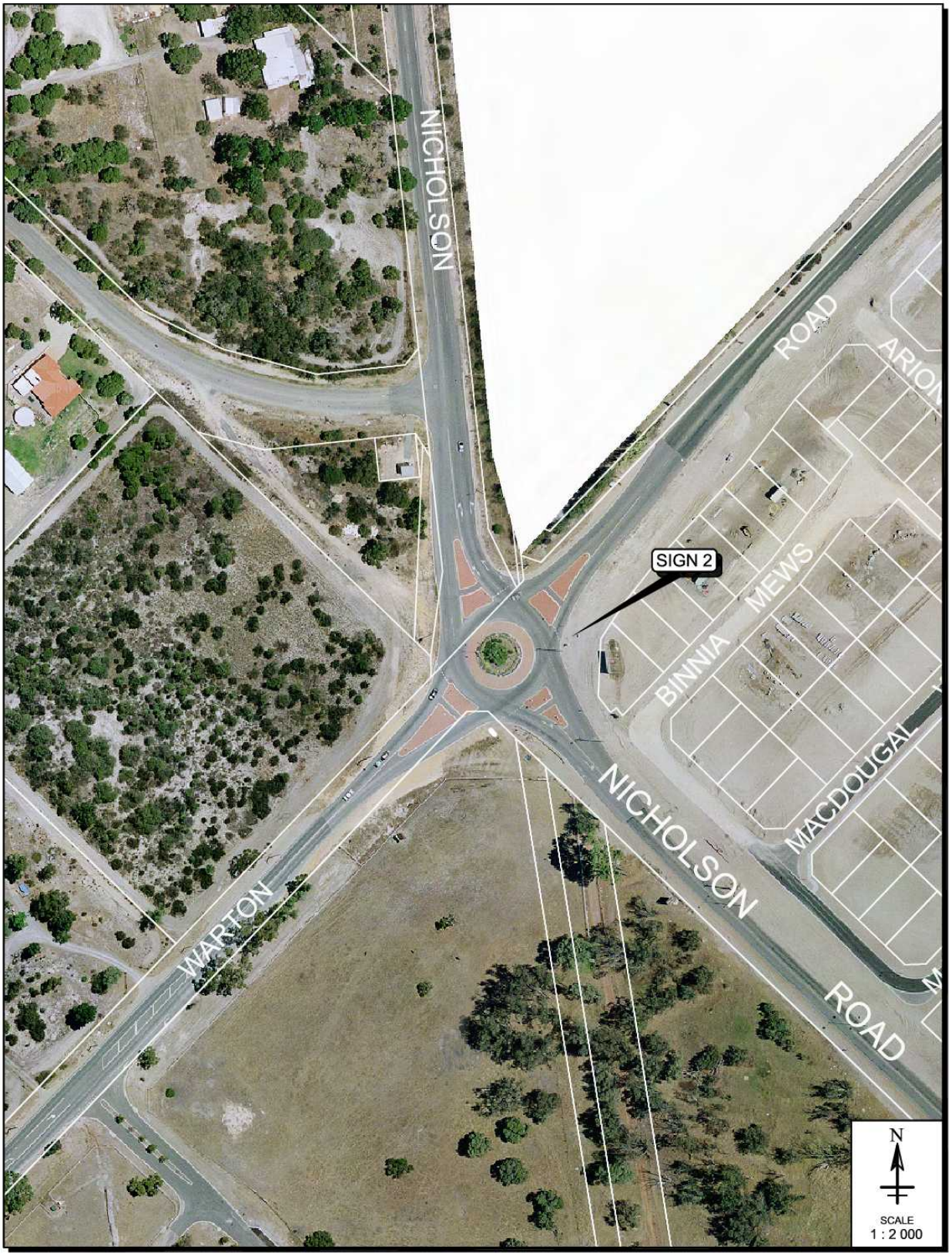
- The cost of establishing and maintaining such signage in good order is to be borne by the applicants. In the event of non-compliance with maintenance standards, the Council may within 14 days of notice remove such signage and bill the applicants for the removal and disposal costs. All obligations to be confirmed in writing.

In May 2007, Council adopted a new policy for Signage to supplement the Signs Local Law 2007 and the City's Town Planning Scheme. This includes certain criteria pertaining to applications for Illuminated Directional Signs such as colour scheme, dimensions, inclusion of the City Crest, provision for a community message, restrictions on placement of signs and costs. ***(Refer to Attachment "A4" of the Agenda).***

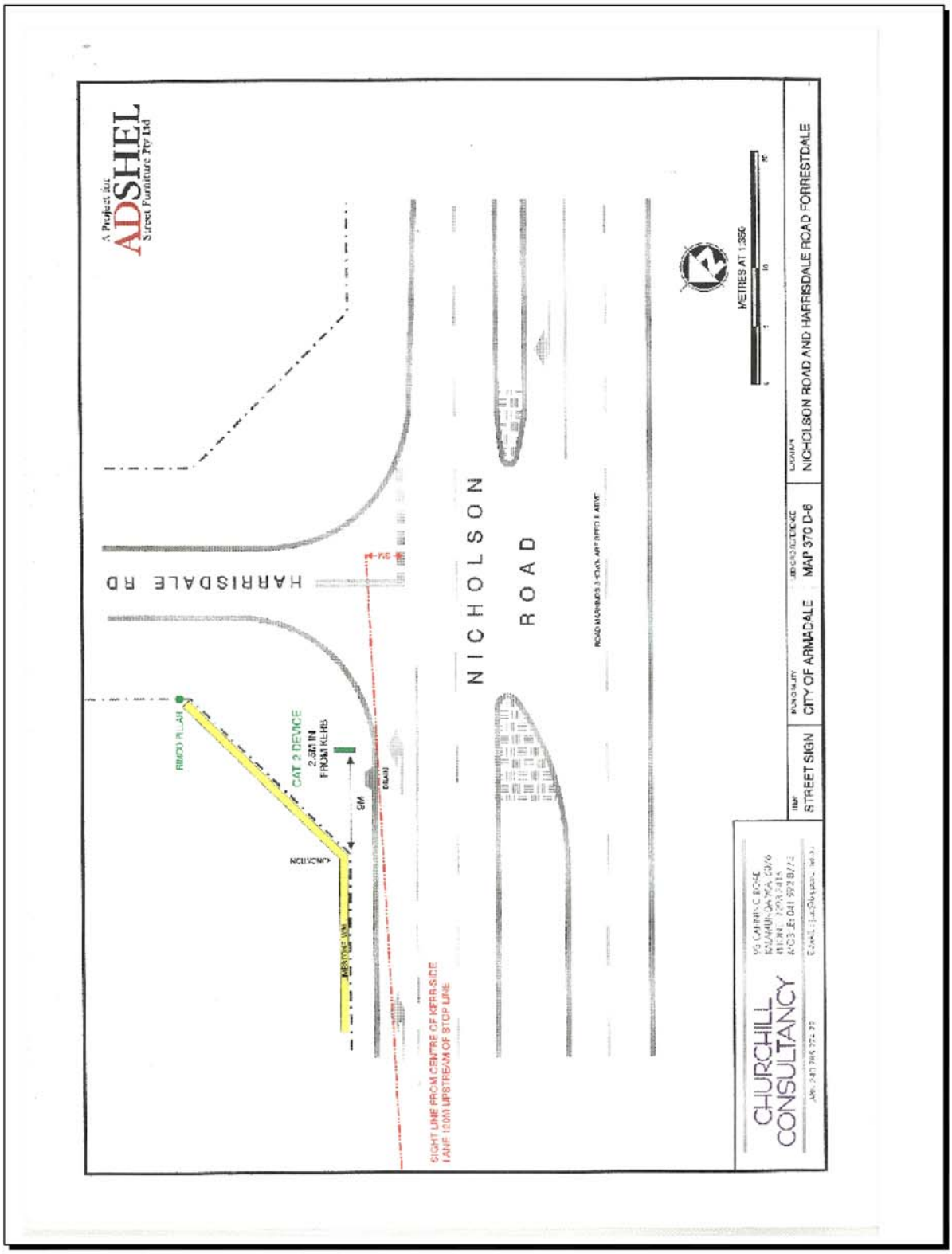
DETAILS OF PROPOSAL

The applicant proposes to erect two illuminated direction signs, one for Vertu Private Estate at the intersection of Warton Road and Nicholson Road, Harrisdale and a second illuminated direction sign for Vertu/Newhaven at the intersection of Harrisdale Drive and Nicholson Road, Harrisdale. The proposed signs will have provision to display a community message of Council's choosing.

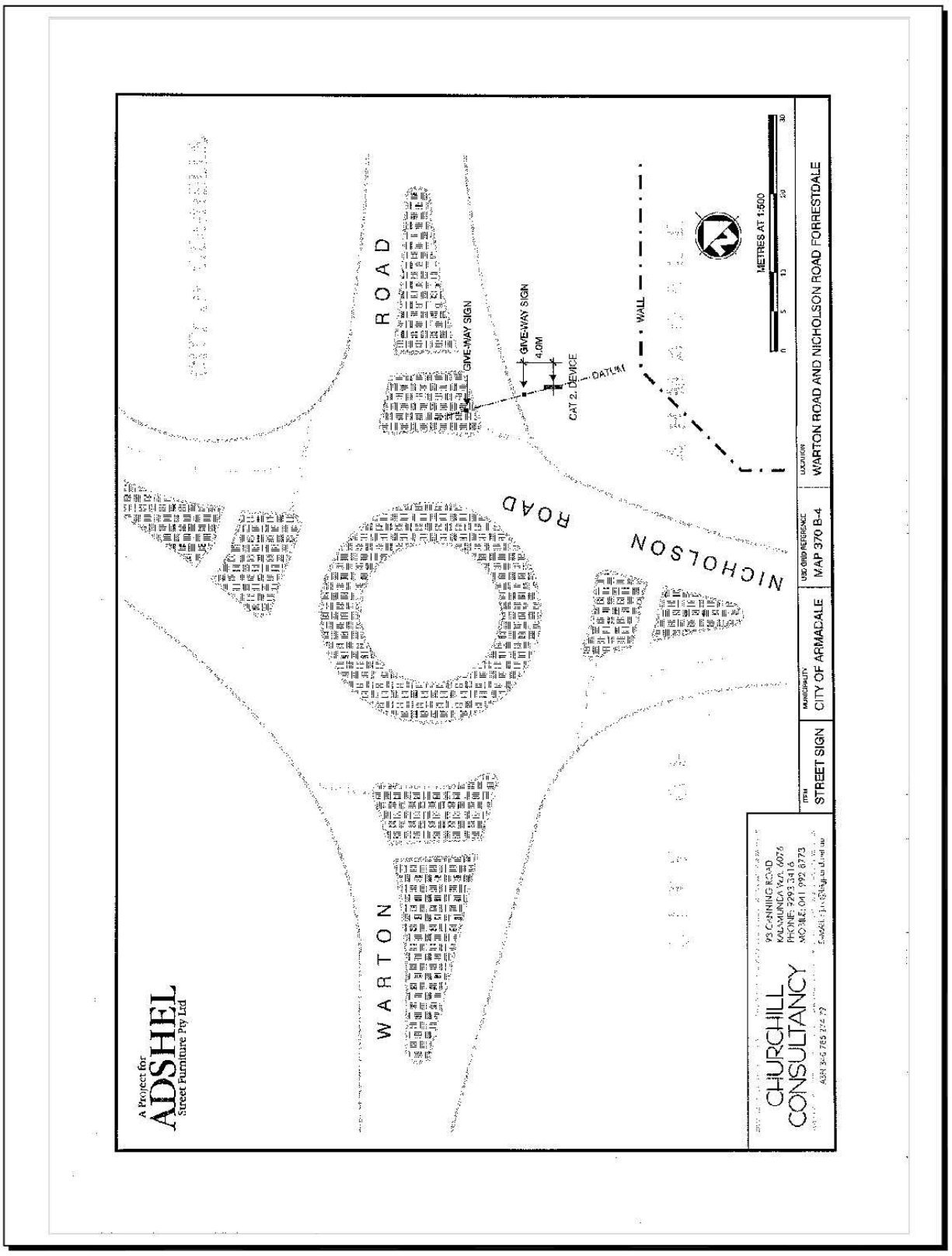
AERIAL PHOTOGRAPH
SIGN 1



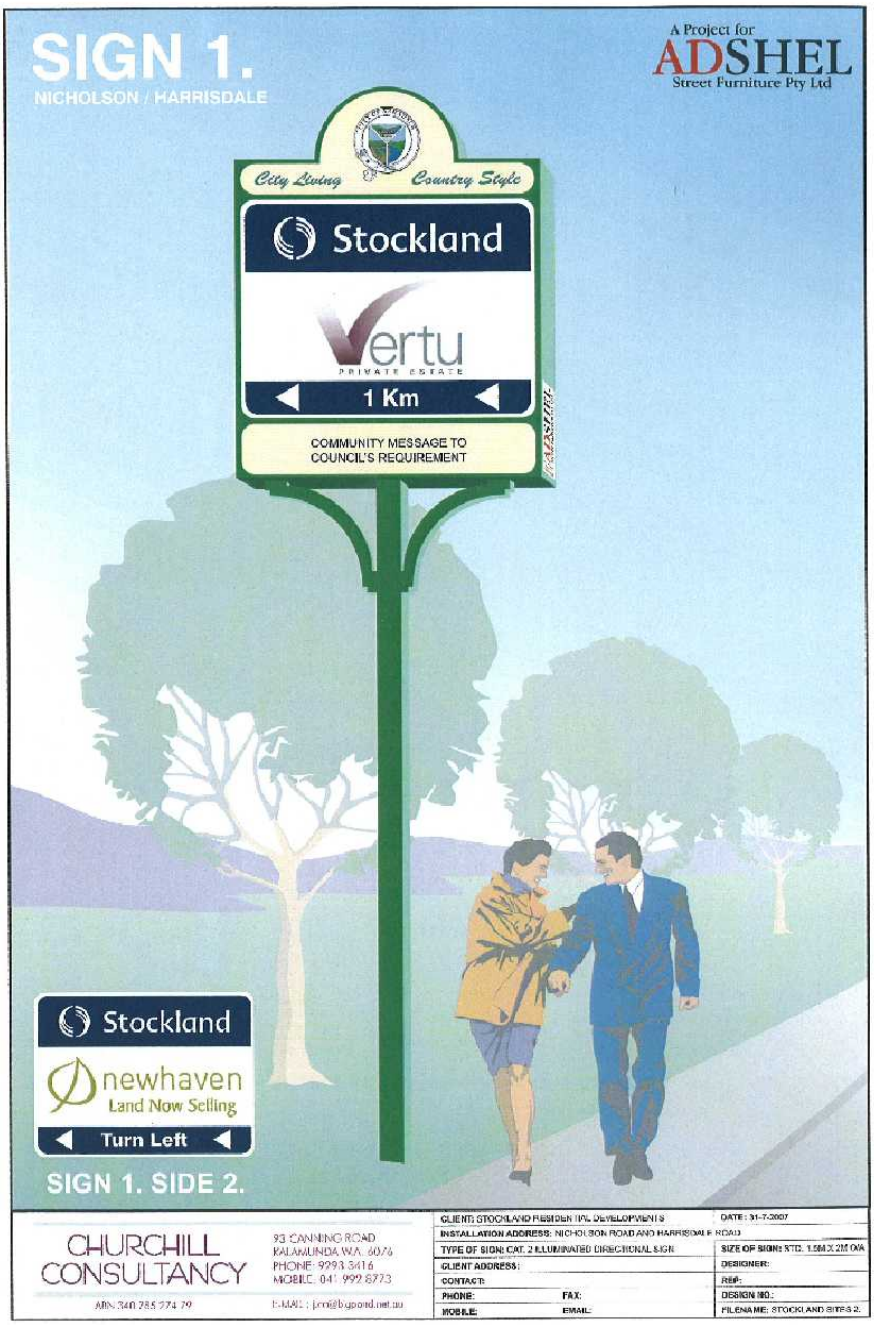
AERIAL PHOTOGRAPH
SIGN 2



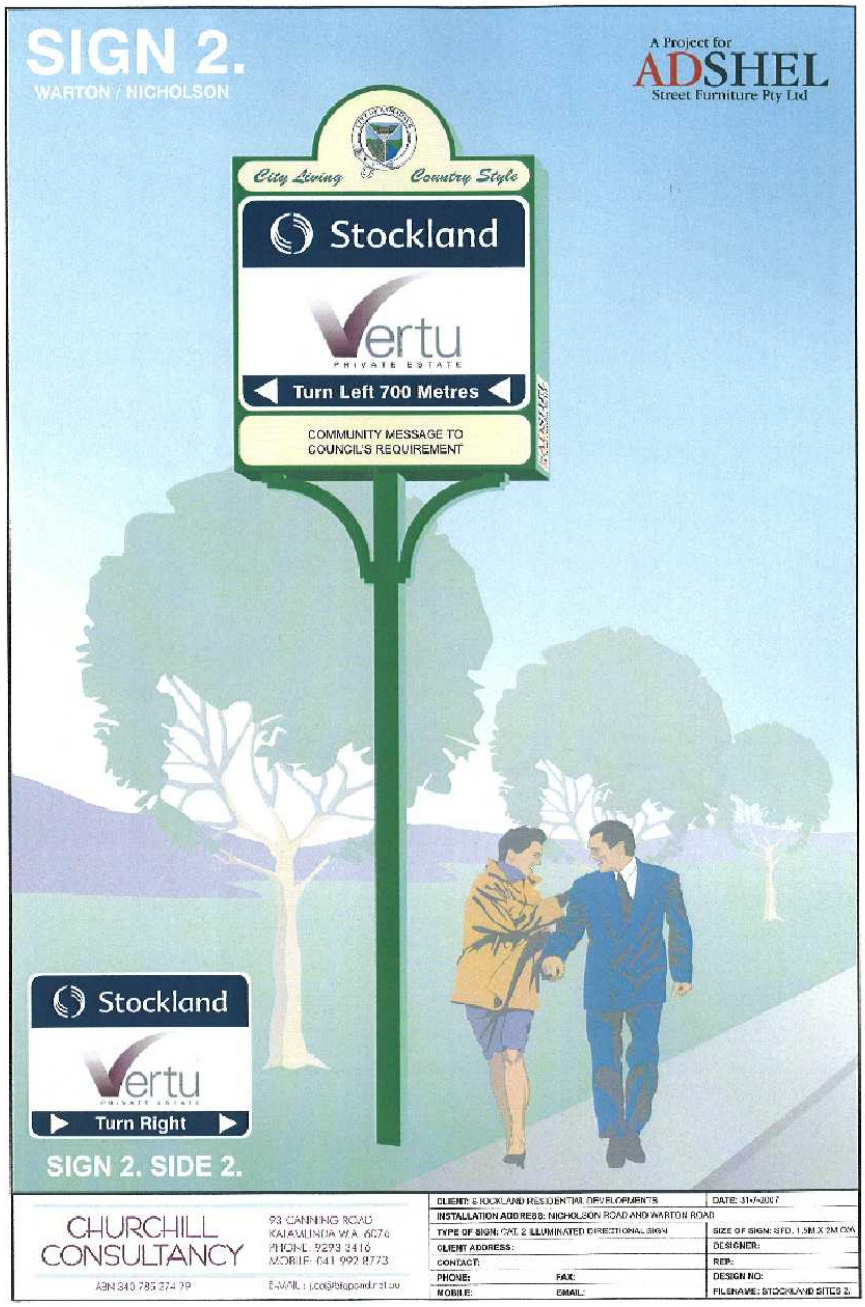
SITE PLAN
SIGN 1



SITE PLAN
SIGN 2



ELEVATION PLAN
SIGN 1



ELEVATION PLAN
SIGN 2

PHOTOGRAPH 1
PROPOSED ILLUMINATED SIGN 2 - INTERSECTION NICHOLSON AND WARTON ROAD
VIEW FROM NICHOLSON ROAD LOOKING TOWARDS NORTHEAST CORNER

PHOTOGRAPH 2
PROPOSED ILLUMINATED SIGN 2 - INTERSECTION NICHOLSON AND WARTON ROAD
VIEW TOWARDS NORTHWEST CORNER WITH SIMILAR SIGN WITHIN CITY OF GOSNELLS LOCALITY

PHOTOGRAPH 3
PROPOSED ILLUMINATED SIGN 1 - INTERSECTION NICHOLSON ROAD AND HARRISDALE DRIVE
VIEW TOWARDS NORTHEAST CORNER

PHOTOGRAPH 4
PROPOSED ILLUMINATED SIGN 1 - INTERSECTION NICHOLSON ROAD AND HARRISDALE DRIVE
VIEW TOWARDS NORTWEST CORNER

COMMENT

Technical Services Directorate

Council's Technical Services Directorate have assessed the proposed location and advise that they have no objections to the proposal provided it complies with the Signage Policy.

Main Roads WA

Main Roads WA have advised that they have no objection to the proposed signs and that the City has delegated authority to approve the installation provided the signs comply with Main Roads policy.

The applicant originally proposed four signs, including at the intersections of Ranford Road / Nicholson Road and Ranford Road / Wright Road. The City's officers have been negotiating with the applicant to ensure that the signs are located at appropriate locations. The applicant agreed to delete the signs at the intersections of Ranford Road / Nicholson Road and Ranford Road / Wright Road from the application. The applicant has also agreed to remove the road / finger sign from the proposed signs.

ANALYSIS

The signs will be sponsored by Stockland to direct the public to their residential developments, Newhaven and Vertu Private Estate, during the promotional stage. Once the developments are substantially taken up, Stockland may approach Council with a view to change the inscriptions of the signs in order to promote and assist the operation of shopping and community centres established to serve these new communities. It is proposed that a suitable time frame for the promotional stage of the signs be applied if the application is approved.

It is also proposed that the new locality name of "Harrisdale" be included in the area for community messages, with a view to change the message on the signs to include areas of community interest (such as Bakers House Community Centre), once they have been established in the area.

Although the signs are not strictly of a generic nature, Council has previously approved non-generic signs for Champion Drive Shopping Centre (Coles), Araluen (Country Club, Restaurant and Golf Course), West Armadale Shopping Centre (Farmer Jacks), Mazzega's and Roleystone Shopping Centre (Dewsons). However, with the exception of the Mazzega's sign, it could be argued that these signs are of a generic nature, with highlighted businesses.

The proposed signs are 1.5m x 2m in size which is not consistent with the policy requirement of 1.3m x 2m. Given that similar signs have been approved by Council at the same size as the proposed signs, it would be considered appropriate for the signs to remain at the proposed size, in order to maintain consistency.

The applicant proposes to locate the signs 3m from the edge of the road, which does not accord with Council Policy of 4.5m. The applicant has agreed to set the signs 4.5m from the road kerb and a condition will be applied, if the application is approved.

OPTIONS

1. Council could refuse the application for illuminated direction signs on the grounds that they are of a non-generic nature, they do not comply with the size as set out in the policy and would be located too close to the edge of the road.

2. Council could approve the application in light of similar signs having been approved at other locations within the City, subject to appropriate conditions.

CONCLUSION

Although the proposed signs are of a non-generic nature, Council could allow the signs given they will highlight the new residential development area and the new locality of Harrisdale, and that similar signs have been approved in other locations within the City.

Therefore it is recommended that the application be approved in accordance with Option 2.

D7/1/08 RECOMMEND

That Council approve the application by Churchill Consultancy for Adshel Street Furniture Pty Ltd to erect an Illuminated Direction Sign advertising "Vertu Private Estate" at the intersection of Warton Road and Nicholson Road, Harrisdale and an Illuminated Direction Sign for "Vertu/Newhaven" at the intersection of Harrisdale Drive and Nicholson Road, Harrisdale, subject to the following conditions:

a) This approval is valid for a temporary period of two (2) years from the date of the approval.

b) The signs must be set back 4.5 metres from the back of the kerb, located to minimise any impacts on pedestrians and cyclists on existing and/or future shared paths and located in a manner satisfactory to the Executive Director Technical Services.

c) Annual rental to be paid to the City in accordance with the City's Schedule of Fees.

d) Signs are not to interfere with the use of any pathway, cycleway, crossover or line of sight for vehicles.

e) A written agreement being provided to the Executive Director Technical Services prior to the erection of the sign on the land, that the sign company will be responsible for all maintenance, removal (within 24 hours should the sign be damaged), replacement and removal of graffiti, as well as informing the City should any of the above be carried out, and relocate the sign if any road work is required in future.

f) Provide a copy of a Public Liability Insurance Policy to the value of $10,000,000 which must remain current for the life of the sign, prior to the erection of the signs on the land.

g) Inclusion of the locality name "Harrisdale" on the signs.

h) Compliance with the City of Armadale Signs Local Law 2007 and Signage Policy.

In addition to the standard Advice Notes, the following Advice Notes be included:

A) With regard to Condition 1(a) a new application will be required prior to the end of the 2 year approval period, at which time the City may require changes to the wording on the signs or require the signs to be removed.

B) With regard to Condition 1(e) the cost of establishing and maintaining such signage in good order is to be borne by the applicants. In the event of non-compliance with maintenance standards, the Council may within 14 days of notice remove such signage and bill the applicants for the removal and disposal costs. All obligations to be confirmed in writing.

MOVED Cr Munn
MOTION CARRIED (7/0)

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SIGNS LOCAL LAW – REQUEST FOR FURTHER AMENDMENTS

WARD : ALL

DATE : 16 January 2008

REF : IM

RESPONSIBLE MANAGER : EDDS

In Brief:-

- The Joint Standing Committee on Delegated Legislation has again written to the City with further concerns regarding the City's Signs Local Law and has requested substantial amendments.
- The further request would result in there being little purpose to the Local Law and the objectives would not be met. While other local governments have not experienced similar hurdles for similar local laws in view of impending planning infringement notices it may be preferable to eventually dispense with local laws for sign regulation in the future.
- Recommend that the request of the Joint Standing Committee on Delegated Legislation that the City amend additional clauses to the Signs Local Law in addition to those formerly agreed be noted;
  - reaffirm its commitment to make the minor amendments to the Local Law as resolved by Council on 17th December 2007;
  - advise the Joint Standing Committee that Council declines to proceed with further amendments to the Signs Local Law but undertakes not to proceed with any enforcement relating to the ARA Scheme and utilise planning infringement notices following their inclusion in Regulations and thereafter revoke the Local Law.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Developing our City:

- To sustain and maintain the distinctive character of the City; and
- Balance the needs of development with sustainable economic, social and environmental objectives.

Legislation Implications

Armadale Redevelopment Act 2001
Planning and Development Act 2005
Local Government Act 1995
Town Planning Scheme No.4
Armadale Redevelopment Scheme 2004.

Council Policy / Local Law Implications

PLN 4.3 – Signage (Advertisements).

Budget / Financial Implications

Cost of advertising Local Law amendments or new Local Laws.
Cost of legal advice.

Consultation

- Joint Standing Committee on Delegated Legislation
- The City's Solicitors
- City of Subiaco

BACKGROUND

The City's Signs Local Law 2007 was published in the Government Gazette on 9 September 2007 resulting in the revocation of the 1965 Shire of Armadale-Kelmscott By-Laws relating to signs, hoardings and billposting. ***A copy of the Signs Local Law 2007 is at Attachment "A6" of the Agenda.***

At its meeting on 17 December 2007 Council considered a report on the need to amend the Signs Local Law to accommodate the requirements of the Joint Standing Committee on Delegated Legislation. Two minor text changes were required to clarify the Local Law. The Council agreed to advertise the amendments for public comment.

Subsequently the Chairman of the Joint Standing Committee wrote to the City providing further advice to the effect that the Minister for Local Government has advised that legal advice provided to the Department had been received which concluded that there was no power under the Local Government Act for a local law to provide for an offence for non-compliance with a local planning scheme. Accordingly further changes were requested to the Local Law.

The main purpose of the Signs Local Law was to enable simplified enforcement for those placing unauthorised signs within the whole City, both within the areas of City of Armadale and Armadale Redevelopment Authority planning jurisdiction. The latest letter from the Committee with its requirement that clauses 7, 8 and 10(1)(a) and (b) be deleted and clause 9 be amended, in effect would result in the Local Law not achieving any of the purposes for which it was instigated.

The further amendments would result in the Local Law:

- restricting signs in public places or where they would cause an obstruction;
- creating offences for Bill posting, vehicles parked for advertising or other transgressions of the Local Law;
- establishing modified penalties for the areas subject to the Local Law;
- establishing infringement notices for matters covered by the Local Law.

The Local Law, as amended, would no longer:

- establish that signs should not be erected unless approved or exempt from the need for approval;
- establish all the categories of signs that did not require approval due to their size, function or purpose;
- enable the City control the development of signage through the creation of an offence and penalties for signs not approved either under the local planning scheme or the ARA scheme.

COMMENT

While the Committee has specified some amendments to the Local Law, in fact additional amendments would be required to the Interpretations and the Schedules as a direct consequence of the required amendments. Notably eight words requiring interpretation and control would require deletion.

The effect of undertaking the amendments as requested would be to provide the City with limited controls and powers over signs in public places. However, the majority of signage would not be covered – notably signage on buildings or private property would require control through the enforcement provisions of the relevant City or ARA planning scheme.

As has been pointed out to the Joint Standing Committee, the City's Local Law was drafted following the successful completion of the City of Subiaco Signs Local Law 2004 which similarly provided enforcement over signage not authorised under the City's and the Subiaco Redevelopment Authority's schemes. The Joint Standing Committee's response to this is that they are a different Committee to the one of 2004 and they consider the matters before them and the Subiaco Local Law, is not, therefore, their concern. In addition the wording of the Subiaco Local Law is not the same as that of the City of Armadale's Local Law. Indeed it is the case that the Subiaco Local Law is more extensive but the purpose is the same. The subtle difference is that the Subiaco Local Law requires that signs be licenced unless approved under a scheme. Where there is no licence the Local Law authorises prosecution. The Armadale Local Law requires signs to be approved (under a scheme) and where there is no approval a transgression under the Local Law occurs.

Further investigation has identified the more recent Town of Victoria Park Signs Local Law 2006 which similarly requires signs to be licenced unless subject to a development approval under the Scheme.

An additional consideration is that under the Planning and Development Act planning infringement notice Regulations can be prepared. It is understood that these are currently being drafted and will provide a more straightforward and cost-effective means of enforcement for transgressions from the City's scheme. This would not enable the City to act to infringe in the ARA planning areas.

The Council would appear to have the following options:

1. *To undertake all the amendments requested as well as others which would follow from the requested amendments.*

   This would result in some confusion for staff and the public in that controls regarding signs would rest either under the ARA scheme, the City scheme or the Local Law. The City would be unable to directly ensure compliance throughout the City for signage on private land within the ARA's jurisdiction. Compliance would remain relatively complex for minor signage matters. The City's solicitors have advised that if the City were to consent to the Committee's request this would effectively sterilise the intended operation of the City's new Local Law because two approvals (planning approval and signs licence) would be required for every new sign.

2. *To undertake the minor amendments that the City undertook to give effect to.*

   This would incur the dissatisfaction of the Joint Standing Committee who could claim that they withdrew the threat of disallowance on their understanding that if the Minister advised of concern then the matter would be further adjusted. The City's legal advice on this option is that Signs Local Law came into effect 14 days after its publication on 19 June 2007 in the Government Gazette (ie on 3rd July 2007). Technically it is possible for members of the Committee to move a motion of disallowance in the Parliament and thereafter the motion would need to be debated and passed by State Parliament. It would then be possible for the Governor to repeal or amend the local law under section 3.17 of the Local Government Act by the preparation of a replacement local law. This has only happened on one previous occasion.

3. *To seek the repeal of the 2007 Local Law.*

   The repeal of the Local Law would leave all signage control to the planning scheme. It is possible that the planning scheme would be a better mechanism for controlling signs – it is noted that the City of Subiaco makes little use of its Signs Local Law. The perceived advantage to the City of having the local law was that decisions made under it would not be appealable and it would cover City and ARA jurisdictions.

4. *To amend the Local Law to substantially replicate the Subiaco Local Law to establish the requirement for signs to be licenced, unless a licence is deemed to have been issued by being subject of a development approval granted under the scheme.*

   This would result in some duplication whereby it may be unclear whether an applicant should apply for a planning approval or a licence for a sign. There is no guarantee that the Joint Standing Committee would accept the provisions accepted by its predecessor.

OPTIONS

1. make all amendments suggested by the Committee.
2. make the minor amendments originally agreed.
3. revoke the 2007 Local Law.
4. redraft the Local Law to more closely reflect that of Subiaco or Victoria Park.

CONCLUSION

What was intended to simplify matters for administrators and the public runs the risk of becoming more complex with various mechanisms running in parallel to achieve the same objective. The City has agreed with the Joint Standing Committee that minor amendments be progressed (as agreed by Council at its December meeting) however, additional changes have been requested which are significant enough to render the Local Law worthless. The City's solicitors advise that the Joint Standing Committee has no power to revoke the City's 2007 Signs Local Law or to require further amendments to it of itself it could trigger processes in Parliament that could result in a new law being prepared.

While it is likely that future planning infringement notices will provide an efficient enforcement mechanism to use for signage (suggesting that Option 3 should be preferred), until the Regulations have been finalised there is benefit in continuing to use the Signs Local Law and proceed with the minor amendments previously agreed, as provided in Option 2.

D8/1/08 RECOMMEND

That Council:

1. **Note the request of the Joint Standing Committee on Delegated Legislation that the City delete and amend additional clauses to the Signs Local Law in addition to those formerly agreed and undertake not to enforce the relevant clauses in the interim;**

2. **Reaffirm its commitment to make the minor amendments to the Local Law as resolved by Council on 17th December 2007;**

3. **Advise the Joint Standing Committee on Delegated Legislation that the Council declines to proceed with further amendments to the Signs Local Law at this stage but undertakes not to proceed with any enforcement relating to the Armadale Redevelopment Scheme and at the earliest opportunity to utilise planning infringement notices following their inclusion in Regulations and thereafter revoke the Local Law.**

MOVED Cr Munn
MOTION CARRIED (7/0)

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ATTENDANCE BY ELECTED MEMBERS AT THE PLANNING INSTITUTE OF AUSTRALIA 2008 NATIONAL CONGRESS

WARD : ALL

DATE : 10 January 2008

REF : NC

RESPONSIBLE MANAGER : PSM

In Brief:-

- Planning Institute Australia (PIA) is holding its 2008 National Congress at the Sydney Convention and Exhibition Centre from Sunday, 13th to Wednesday, 16th April 2008.
- Officers from the City may be attending.
- Matters to be covered should be of benefit to Councillors and of interest in the Armadale context.
- Recommend that Councillor be nominated to attend.

Committee recommended that the matter be referred to Council on 29 January 2008 for nomination.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

To foster an effective professional environment and administration of the City's services and encourage innovation and creativity in meeting the needs of the community.

Legislation Implications

Nil.

Council Policy / Local Law Implications

Council Policy ADM3 – Conferences and Training.
Council Policy EM1 – Re-imbursement of Councillor's Expenses.

Budget / Financial Implications

- Conference - $925 for PIA Members, $1185 for non-members (for bookings prior to 31/01/08).
- Accommodation – varies from $130/night to $280/night depending on hotel and room types.
- Air fares could be in the region of $400 to $1500 return (discount flights may be procurable subject to availability. Qantas offers a 40% discount off full economy fares (excluding taxes) for delegates.

Consultation

Nil.

DETAILS OF CONGRESS

The Planning Institute of Australia (PIA) is holding its 2008 National Congress entitled *"A Climate for Change – things are hotting up"* at the Sydney Convention and Exhibition Centre from Sunday, 13th April to Wednesday, 16th April 2008.

A copy of the PIA 2008 National Congress Brochure is at Attachment "A5" of the Agenda.

CONCLUSION

An officer from the Planning Department may attend the PIA National Congress 2008 in Sydney.

The Congress should be an informative and interesting gathering that will deal with many issues that are relevant to the City of Armadale. The item is raised for information for any Councillors who may wish to nominate to attend.

There being no nomination from members present, Committee resolved to refer the matter to the Council Meeting of 29 January 2008 for nomination.

D9/1/08 RECOMMEND

That there be no nomination from the Development Services Committee members to attend the Planning Institute Australia 2008 National Congress.

MOVED Cr Zelones
MOTION CARRIED (7/0)

Council resolved at its Ordinary Meeting on 29 January 2008 that there be no nomination from the Development Services Committee members to attend the Planning Institute Australia 2008 National Congress.

LATE ITEMS

Nil.

Cr Butterfield joined the meeting at 5.50pm.

COUNCILLORS' ITEMS

Cr Munn

1. Naming of Parks within new development areas

Cr Munn requested that officers consider compiling a suitable name register relating to the naming of parks and reserves in new development areas.

COMMITTEE recommended that the matter be included in the development of a policy relating to the naming of places and buildings within the City of Armadale, as per City Strategy Councillor item of 21 January 2008.

D10/1/08 RECOMMEND

That the matter be referred to the appropriate Directorate for action and/or report back to Committee.

MOVED Cr Zelones
MOTION CARRIED (7/0)

EXECUTIVE DIRECTOR DEVELOPMENT SERVICES REPORTS

- **Issue of Section 403(4) Notice – Collapsing Retaining Wall – Lot 521 (2) Penjan Place, Kelmscott**

  A Section 403 (4) Notice under the Local Government (Miscellaneous Provisions) Act 1960 has been served on Ms Gillian Neighbour of Lot 521 (2) Penjan Place, Kelmscott in relation to a collapsing retaining wall.

  Once the notice has been served Council is to be notified at the earliest opportunity that the notice has been served.

  A structural consulting Engineers report dated 19 November 2006 indicated repairs to the wall ought to be expedited in the interests of public safety. The Notice has been served to achieve a resolution to the matter as it has been outstanding since 24 October 2006. Ms Neighbour has 60 days to complete works under the conditions of the Notice.

  Ms Neighbour advised by telephone on 14 January 2008 that works will commence in the first week of February.

  Photographs of the retaining wall are included at Attachment "A7" of the Agenda.

- Executive Director Development Services outlined the contents of the recent letter from the Geographic Names Committee with respect to concerns relating to the naming of Westfield, Piara Waters and Hilbert and Haynes localities. EDDS advised that appropriate reports would be presented to Committee at forthcoming meetings.

MEETING DECLARED CLOSED AT 6:15 PM